Vol. XLV—No. 1.

# Council Proceedings

## Official Report

# Bengal Legislative Council

## Forty-fifth Session, 1935

11th to 14th, 18th to 20th, 22nd and 25th to 28th February, 1935.

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1935

Published by the Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal

**Agents in India.**

Messrs. S. K. Lahiri & Co., Printers and Booksellers, College Street, Calcutta.

Messrs. Thacker, Spink & Co., Calcutta.

**Customers in the United Kingdom and the Continent of Europe may obtain publications either direct from the High Commissioner's office or through any bookseller.**

## GOVERNMENT OF BENGAL

### GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

### MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir JOHN WOODHEAD, K.C.S.I., C.I.E., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects
4. Marine.
5. European Education

The Hon'ble Mr. R. N. REID, C.S.I., C.I.E., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Jails.
7. Hazaribagh Reformatory School.

The Hon'ble Sir PROJENDRA LAL MITTER, K.C.S.I., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Judicial.
5. Legislative.

The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

## MINISTERS.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE, in charge of the following portfolios:—

1. Education.
2. Registration.
3. Wakf.

## PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

Secretary to the Council—J. W. McKAY, I.S.O.

Assistant Secretary to the Council—Mr. K. ALI AFZAL, Bar.-at-Law.

---

**Panel of Chairmen for the Forty-fifth Session.**

1. Mr. W. H. THOMPSON.
2. Khan Bahadur MUHAMMAD ABDUL MOMIN.
3. Mr. NARENDRA KUMAR BASU.
4. Babu JITENDRALAL BANNERJEE.

# BENGAL LEGISLATIVE COUNCIL.

## ALPHABETICAL LIST OF MEMBERS.

### A

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur. [Dacca City (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).].
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]

### B

Baksh, Maulvi Shaikh Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Rai Sahib Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Rai Bahadur Shailendra Nath. (Nominated Expert.)
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Babu Premhari. [Dinajpur (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Basir Uddin, Khan Sahib Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Mohini Nath. (Nominated Expert.)
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
*Benjamin, Mr. H. D. (Nominated Official.)
Birkmyre, Mr. H. (Bengal Chamber of Commerce.)
Blandy, Mr. E. N., C.I.E. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Boyd, Lt.-Col. T. C., I.M.S. (Expert, Nominated.)
Burn, Mr. H. H. (Bengal Chamber of Commerce.)

*Oath taken on the 13th February, 1935.

## C

Chanda, Mr. Apurva Kumar. (Nominated Official.)
Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)
Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Maulvi Syed Osman Haider. [Tippera North Muhammadan).]
Chokhany, Rai Bahadur Ram Dev. (Bengal Marwari Association.)
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)
Cooper, Mr. H. G. (Bengal Chamber of Commerce.)

## D

Das, Babu Guruprosad. (Nominated Non-official.)
Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

## E

*Edgley, Mr. N. G. A. (Nominated Official.)
Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

## F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]
Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Ferguson, Mr. R. H. [Rajshahi (European).]

*Resigned on 12th February, 1935.

## G

Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
Gilchrist, Mr. R. N., C.I.E. (Nominated Official.)
Gladding, D. (Nominated Official.)
Goil, Major-General D. P. (Nominated Expert.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Gurner, Mr. C. W. (Nominated Expert.)
Guthrie, Mr. F. C. [Presidency and Burdwan (European.)]

## H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, the Hon'ble Khan Bahadur M. Azizul. [Minister.] [Nadia (Muhammadan).]
Hodge, Mr. J. D. V., C.I.E. (Nominated Official.)
Homan, Mr. F. T. (Bengal Chamber of Commerce.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

## K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Bahadur Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Abi Abdulla. [Bakarganj South (Muhammadan).]
Khan, Mr. Hashem Ali. [Bakarganj West (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]

## L

Lamb, Mr. T. (Bengal Chamber of Commerce.)
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Leeson, Mr. G. W. (Bengal Chamber of Commerce.)
Lockhart, Mr. A. R. E. [Presidency and Burdwan (European).]

* Deputy President, Bengal Legislative Council.

## M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Martin, Mr. O. M. (Nominated Official.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Mitter, Mr. S. C. (Nominated Official.)
Mitter, the Hon'ble Sir Brojendra Lal, K.C.S.I. (Member, Executive Council.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Babu Dhirendra Nath. (Nominated Expert.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

## N

Nag, Reverend B. A. (Nominated Non-official.)
Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nandy, Maharaja Sris Chandra, of Kasimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. (Member, Executive Council.)
Nicholl, Mr. C. K. (Indian Tea Association.)
Norton, Mr. H. R. (Calcutta Trades Association.)

## P

Paul, Sir Hari Sanker, KT. [Calcutta South (Non-Muhammadan).]
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]

## Q

Quasem, Maulvi Abul. [Khulna (Muhammadan).]

## R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Khan Bahadur A. F. M. Abdur-. [24-Parganas Rural (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
*Ray Chowdhury, the Hon'ble Raja Sir Manmatha Nath, of Santosh. (Dacca Landholders.)
Ray Chowdhury, Mr. K. C. (Nominated Non-official.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Redelift, Mr. S. W. (Nominated Expert.)
Reid, the Hon'ble Mr. R. N., C.S.I., C.I.E. (Member, Executive Council.)
Ross, Mr. J. B. (Indian Mining Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, the Hon'ble Sir Bijoy Prasad Singh [Minister.] [Burdwan South (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

## S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sachse, Mr. F. A., C.I.E. (Nominated Expert.)
Sahana, Rai Bahadur Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]

*President of the Bengal Legislative Council.

Sen, Mr. B. R. (Nominated Official.)
Sen, Rai Bahadur Gris Chandra. (Expert, Nominated.)
Sen, Rai Bahadur Jogesh Chandra. [24-Parganas Municipal South (Non-Muhammadan).]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Steven, Mr. J. W. R. [Dacca and Chittagong (European).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

## T

Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Townend, Mr. H. P. V. (Nominated Official.)

## W

Walker, Mr. J. R. (Indian Jute Mills Association.)
Walker, Mr. R. L. (Nominated Official.)
Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
*Williams, Mr. A. deC. (Nominated Official.)
Woodhead, the Hon'ble Sir John, K.C.S.I., C.I.E. (Member, Executive Council.)

*Oath taken on the 14th February, 1934.

# THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

**(Official Report of the Forty-fifth Session.)**

**Volume XLV—No. 1.**

## Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 11th February, 1935, at 3 p.m.

### Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 108 nominated and elected members.

### Oaths.

The following members made an oath or affirmation of allegiance to the Crown:—

(1) Mr. G. W. Leeson.
(2) Mr. Apurva Kumar Chanda.
(3) Babu Guruprosad Das.
(4) Babu Dhirendra Nath Mukherjee.
(5) Mr. S. W. Redclift.
(6) Rai Bahadur Ram Dev Chokhany.
(7) Mr. R. L. Walker.

### Panel of Chairmen.

**Mr. PRESIDENT:** In accordance with the provisions of rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Mr. W. H. Thompson,
(2) Khan Bahadur Muhammad Abdul Momin, C.I.E.,
(3) Mr. Narendra Kumar Basu, and
(4) Babu Jitendralal Bannerjee.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of Deputy President.

## His Excellency the Governor's Address.

At 3-10 p.m. the Secretary proceeded to the portico to receive His Excellency. The Assistant Secretary to the Council then announced the arrival of His Excellency to the Hon'ble the President.

The Hon'ble the President then met His Excellency in the centre of the inner square under the small dome in the vestibule from where a procession was formed in the following order:—

Assistant Secretary to the Council.

Secretary to the Council.

The Marshal with the Mace.

The Hon'ble the President.

His Excellency.

Private Secretary to His Excellency the Governor.

Aide-de-Camp.

All present then rose as the procession entered the Council Chamber and remained standing until His Excellency and the Hon'ble the President took their respective seats. The Hon'ble the President then invited His Excellency to occupy the Presidential Chair, and the Hon'ble the President himself took his seat on His Excellency's right hand.

His Excellency then addressed the Council as follows:—

Gentlemen: It was in February 1933 that I last addressed the Legislative Council and what I propose to do now is to bring under review quite briefly the developments which have marked the two years that have since elapsed, adding where necessary some observations of a general character.

I deal first with the subject of terrorism. When I last spoke, the law had already been strengthened in several respects and additional bodies of troops had been stationed in various parts of the Province as an emergency measure. During the period under review two further laws have been placed on the Statute Book, Act VI of 1934, dealing with the smuggling of arms, and a still more important enactment, Act VII of 1934. It may be recalled that under the law as it stood before this enactment no action could be taken until a person had actually become a member of a terrorist organisation and orders had to be passed, no matter what the form of restraint contemplated, by the Local Government in each case. That procedure made it impossible to deal with young persons who were being led astray until the process had been completed and it involved delay in obtaining orders, during which the persons concerned often had to be confined in gaols in

association with confirmed terrorists. Act VII of 1934 added a section to the Bengal Criminal Law Amendment Act of 1930 so as to empower District Magistrates to take prompt action at an early stage, in consultation with parents and guardians, to prevent young persons being drawn into the terrorist movement. Information from districts goes to show that this power has proved most valuable and the Council are to be congratulated on having placed Government in a position to reclaim a considerable number of young men who were about to tread a dangerous path.

By the same enactment the law was strengthened in various other respects, and it is now possible after a lapse of two years to estimate the effect of the various measures taken. The legislature will doubtless wish to know how far they were justified in arming the executive with the admittedly drastic powers they now possess—powers which, however, there is no intention of using except in so far as actual necessity may arise and which it is hoped may prove in the course of time to be more valuable in reserve than in operation. It may be said with a fair measure of confidence that, thanks to the strengthening of the law to which I have referred, to the better organisation of intelligence, and to the stout-hearted efforts of the police of all ranks, British and Indian, in collaboration with District Officers and aided by the presence and co-operation in a number of the most difficult areas of units of the military forces, Government now have a much tighter hold on the situation than ever before and are in an infinitely better position to keep the menace in check. I can give you certain figures which will tell their own story. In 1932 the number of crimes of various classes attributed to terrorist activity was 99; in 1933 the number had fallen to 42, and last year it was 14.

Taking the situation as a whole, therefore, there has been a steady improvement, and the Province has happily been free from any serious terrorist crime since last May. It is important to realise, however, that this improvement, welcome though it is, is attributable not to the abandonment of terrorist aims but to disorganisation and weakening brought about directly by Government action. Though, during the past two years, more than 100 persons who were evading arrest have been apprehended, and though in the same period no fewer than 72 revolvers and 27 pistols have been recovered, there are desperate characters still at large and sharp reminders are received from time to time of the fact that recruiting and plotting are still proceeding actively. It is certain that if pressure were relaxed the situation would speedily deteriorate.

What it may be asked is to be the end of it all and is there to be no word of hope for the detenus? The answer that Government must give is clear. Until they can be satisfied that recruiting activity and revolutionary plotting have abated, if not altogether, at least to such

an extent that relaxation of pressure would not immediately be followed by an accession of strength to the terrorist ranks, the measures of appeasement which Government will certainly be in a position to put forward at the appropriate time must be delayed. Too much has already been sacrificed—and that by no means entirely on the side of Government—in the determination to stamp out this vile thing once and for all to warrant the taking of any undue risk. But let it not be thought that Government pin their faith to repressive measures alone. That is indeed far from being the case. About the underlying causes of terrorism opinions may differ, but few would be found to deny that if our province of Bengal is to be safe for the future there must be a change of outlook, or—what is not quite the same thing—a change of prospect, and that change is to be brought about in my opinion not by any one method but by a combination of many.

Public opinion is a potent force and I acknowledge gladly that there has been a significant change in the attitude of the public towards terrorism during the past year. Where previously there was an attitude of indifference or even of passive sympathy, engendered perhaps by a feeling that in some way or other terrorism might, however hateful its methods, advance the national interest, there is I believe a growing realisation of the irremediable harm which terrorism and the terrorist outlook, if allowed to persist, must inevitably inflict upon the Province and its people. I welcome the step taken by those who attended the anti-Terrorist Conference of September last, and I would urge those gentlemen and others who think with them throughout the Province to redouble their efforts. The Press too can help greatly, and it would be ungracious not to acknowledge the change of tone that has become apparent in certain organs of the Press. In regard to the Press I would say this. Government cannot and do not expect that all criticism should be hushed when dissatisfaction is felt with official action, and surely a Government even of archangels could not address themselves to the problems which confront the Government of Bengal to-day without giving some occasion for dissatisfaction; what they do ask and expect is that the manner in which criticism is expressed should be studied by the critic in relation to its possible effect in encouraging terrorist activity.

But public opinion requires something to feed upon and I have always felt that a Government which is compelled to resort to severe measures cannot expect to hold the sympathy of the public unless it is also constantly solicitous, and solicitous in a practical way, for the amelioration of the conditions of the people entrusted to its charge. I should like now to review briefly the various aspects of Government policy which are relevant in this connection.

It was in November, 1933, that I announced on behalf of Government their decision to make a determined effort to improve the economic

condition of the Province. In pursuance of that decision a new department has been instituted under a Rural Development Commissioner with the necessary staff and a Board of Economic Enquiry has been set up. The first fruits of that policy are now available. They include the scheme of voluntary restriction of jute cultivation. It will be remembered that the Jute Enquiry Committee, which was a very representative body of officials and non-officials, recommended unanimously that, in default of a scheme of compulsory restriction which was held to be impracticable, vigorous measures should be taken to bring about restriction by voluntary action. Public opinion throughout the Province gave strong support to the recommendation. After careful examination of the obvious practical difficulties, and consultation with experienced District Officers, a plan was formulated and has been put into vigorous action—with what result it remains to be seen. I will only say that at present the indications are entirely favourable and one thing is certain that the effort that is being made will stand out as the most conspicuous example the Province has ever seen of co-operative mass action. The manner in which official and non-official agencies throughout the jute-growing districts of the Province have collaborated in giving effect to the policy of Government is worthy of the highest praise. Apart from the immediate object to be served the stimulus given in connection with this campaign to the cultivation of alternative crops is likely to prove of lasting value.

Meanwhile the Board of Economic Enquiry have at the request of Government taken up the thorny problem of agricultural indebtedness. After a statistical inquiry and a most careful investigation of various suggested remedies and of measures taken and projected in other Provinces, the Board have presented a report together with a draft Bill. These have recently been published with a view to eliciting opinion. I would commend them to all who have studied this question and I trust that the members of the Board will be rewarded for the time and labour they have given to a most important and valuable piece of public work by the constructive nature of the criticisms elicited. My Government intend to take action upon the report at the earliest practicable moment. Meantime it is satisfactory to find that the voluntary conciliation of debts is proceeding under the guidance of local officers in certain parts of the Province.

Another subject which has received very close attention is the condition of those parts of Bengal (estimated at some 25,000 square miles) which are generally known as the "decadent areas." In these areas, owing to the inadequacy or uneven distribution of the annual rainfall, or owing to changes in the regime of the rivers, there is agricultural deterioration which threatens to be progressive, associated with malaria of the worst type which threatens to spread still further. The conditions in some of the districts in the west and centre of Bengal

are deplorable and their repercussions on the life of the Province exceedingly grave. For years the Bengali people have been suffering the misery of hope deferred. There has been no large scale constructive activity in Bengal, no forward movement such as inspired the short lived province of Eastern Bengal and such as inspires certain other provinces to this day. The energy of Bengal has been diverted into sterile criticism or utopian dreams, and concrete schemes for progress on a large scale have not been regarded as possibilities. The solution of the problem of the decadent areas has been known for years: it was pointed out by Dr. Bentley. Irrigation with silt water will restore agricultural prosperity and will banish malaria: if we can "restore our dead rivers," the decadent areas will be as fruitful and as healthy as those in Eastern Bengal which are flushed by the rivers in flood. But all efforts to apply that solution in a practical form have so far failed. The great obstacle has been finance: and it is only through a revolution in the method of financing irrigation in this province that it will be possible to give effect to Dr. Bentley's formula and to restore prosperity to the decadent areas. It is during a period of depression that great public works can best be started: it is then that money, material, and labour are cheapest: but it is then that financial departments everywhere scrutinise most jealously schemes for development: unless the schemes put forward promise not only to pay for themselves but to leave a safe margin of profit they cannot be taken up by any Government which has not a handsome surplus. It is this problem that it is hoped to solve by means of a Bill which will be published within the next few days. It is a Bill which aims at giving Government an adequate but not unreasonable share of the profit, or of the unearned increment, which may accrue from schemes carried out at Government expense, at supplementing the existing powers which govern the construction of improvement works, at the same time securing to the cultivator or other person who has sufficient initiative to take full advantage of the improvement works his fair share of the profits from the improvement. The Bill aims not at a mere redistribution of existing wealth, but at the creation of new wealth and at a new departure. Such a new departure cannot possibly be combined with adherence to old methods; it is probable therefore that some of the clauses in the Bill may by some persons be considered to go too far: but large changes cannot be made without large powers and to me the Bill appears to offer the best, if not the only, hope for the regeneration of the decadent areas of Bengal. I commend it therefore to your careful attention.

Many other problems await attention in the sphere of rural development and they will be taken up as rapidly as circumstances allow.

The development of road communications is assuming greater practical importance as the sums available from the proceeds of the

Motor Vehicles Tax and from the Central Road Fund increase. In order to ensure the most effective use of the available resources, steps have recently been taken for the preparation of a comprehensive programme of road and bridge construction to be framed with regard to the claims of the various classes of traffic, to the marketing of the products of rural industries and agriculture, and to the necessity for co-ordination with existing means of communication. The existence of such a programme will be the best safeguard against haphazard development and has become a matter of urgency in view of the fact that the amount available for expenditure during the current quinquennium may be well in excess of a crore of rupees.

When I last addressed the Council I referred to the experiment which was being undertaken in the treatment of malaria with the new drug plasmochin in combination with quinine. The experiment has been in operation for two years and I am informed that the incidence of malaria in the area selected for the experiment has decreased by at least 50 per cent. So far as the indications are favourable and the further statistics to be collected during the current year should enable Government to pronounce definitely upon the results of the experiment.

My Government have also been considering means of promoting the extended use of quinine throughout the Province and I hope that they may be in a position to announce before the close of the session certain decisions which will have an important bearing on this problem.

In the sphere of education, while financial stringency must for the present stand in the way of any large development, there are certain important questions not involving expense which have been engaging the close attention of the Hon'ble Minister. These questions include a greater insistence on moral instruction, the systematic organisation of the pupils' leisure, a more personal interest in the development of individual character and the introduction into the ordinary curriculum of features designed to encourage a leaning towards agricultural and industrial pursuits. I feel sure that the co-operation of the Universities and the support of public opinion may be counted upon in the development of these aspects of the educational system.

No review of the constructive side of Government policy would be complete which left out of account the problem of unemployment—a stark and hideous feature of the present situation. In my opinion—and I have given much thought to the matter—this problem is not likely to yield to methods of direct frontal attack. By educational reforms, by the encouragement of village industries, by such measures as the State Aid to Industries Act a substantial alleviation of the situation may no doubt be brought about, and the more we can do in that direction the better will the classes we desire to help be fitted to take advantage of economic revival when it comes, but for a radical

cure we must look further afield—to the general improvement of rural economy, which will increase the spending power of the masses and so enlarge the scope for employment, and to an improvement in the financial condition of Government itself and of the other public authorities of the Province so that services whose development is now suspended in consequence of lack of funds may again forge ahead. In the services connected with education, public health and the co-operative movement alone there would be enormous scope for employment if the necessary funds were available. It is for this reason among others that Government have of late laid so much stress on the importance of economic development and of securing an equitable re-adjustment of provincial finance.

In the latter connection I must refer briefly to the position we have now reached in the struggle to secure financial justice. We are assured, as from the date from which the contemplated new constitutional arrangements will operate, of a grant equivalent to half the net proceeds of the jute export duty. But our claim, as the House is aware, goes far beyond that and the final adjudication upon our claim, which we have no intention of abating, has still to come. We are told that there will be an inquiry by disinterested persons before the final settlement is made. At the time of that inquiry our full case will have to be stated publicly: it has never yet been stated publicly together with all the arguments by which we seek to support our claim. Other Provinces and the Central authority whose interests naturally conflict to some extent with our will of course be entitled to put their point of view and we have no desire to steal a march on them. We rely entirely on the merits of our case. In my judgment they are very strong and I know that the whole Province stands united behind Government in this matter. What is important is that we should be in a position to present our case in the best possible light. We must not leave it open to any interested critic to say that our difficulties are of our own making or that we could have found a way of escape for ourselves had we been so minded. I must not anticipate anything that the Hon'ble Finance Member may have to say when he presents certain taxation proposals to you to-morrow. He will explain to you why in the opinion of Government these proposals are necessary in order to satisfy the condition attached by the Government of India and the Assembly to the grant of certain temporary relief to Bengal pending the determination of financial relations under the proposed new constitution. I will only say that, little as I like proposals for increased taxation of any description in times like these, I am satisfied that the adoption of the present proposals, which have been most carefully designed to avoid adding to the burdens laid upon the poorest members of the community, will not only satisfy the condition to which I have referred, while at the same time bringing in a welcome addition of

revenue, but will strengthen the moral position of the Province when our claim to financial justice comes to the final test. I trust that in the circumstances you may find it possible to accept without substantial alteration the proposals which are about to be laid before you.

I have so far reviewed the main features of the policy of my Government in, I hope, such a way as to make clear to you how they combine to form a consistent and balanced plan designed to overcome in the course of time the various mischiefs from which we suffer and to promote the permanent well-being of the Province. It now only remains for me to address you briefly on the subject of the scheme of constitutional reform now before Parliament.

That scheme was discussed in this Council last December in a debate which extended over four days. I have studied the report of the speeches then delivered by representatives from all quarters of the House. I have been glad to find a very general recognition both of the unexampled complexity of the task to which the Joint Select Committee had to address themselves and of the great skill, patience and thoroughness with which the scheme recommended by them has been worked out. On the whole the debate disclosed a welcome readiness to work the reformed scheme in that spirit of good-will, without which the full benefits of the best conceived plan cannot be obtained. On many points there was naturally a sharp difference of opinion. Upon the communal award, and its rider the Poona Pact, I am not in a position to speak. A point of criticism, however, on which there was practical unanimity was the omission of any specific reference to Dominion Status as the goal of India's advance. I confess to considerable sympathy with the feeling so widely expressed on this point. Possibly the explanation of the omission is to be found in the fact that the term Dominion Status is not a juridical conception at all and would, therefore, be out of place in the body of any statute. The attributes of Dominion Status have never been precisely defined, and indeed seem to me incapable of precise legal definition, for the Dominions of the Crown ceased to be Colonies and acquired that more resounding appellation long before they had reached their present stage of constitutional evolution. I trust, however, that all misgivings on this point have been set at rest by the statement made by Mr. Baldwin some little time ago and by the more recent pronouncement of the Secretary of State. It may be worth while to quote what Sir Samuel Hoare said in the House of Commons on Wednesday last. "Government" he said "stand firmly by the pledge contained in the 1919 preamble which it is not a part of their plan to repeal and by the interpretation put by the Viceroy in 1929 on the authority of the Government of the day on that preamble that the natural issue of India's progress as there contemplated is the attainment of Dominion Status."

Coming now to the vexed question of safeguards and the Governor's special powers the impression which I derive from your debates is that, while the necessity for some special provisions of this nature is generally accepted, the actual proposals in the Report are regarded in many quarters as going much too far. As one on whom the heavy responsibilities of a Governor are laid I should be tempted to agree with that view if I thought that the application of those safeguards and the exercise of those powers was likely to be a normal feature of the day to day administration of the Province. But I do not take that view. Special powers are appropriate to special circumstances. If the proposed provisions are analysed it will be found that they have a three-fold origin. Some are required for the protection of the interests of minorities. Others mark the fact that India is now to be advanced along the road to full responsible Government up to a point at which the distribution of responsibility between the representative of the Sovereign and his Ministers corresponds to what obtained in Great Britain and the Dominions at a stage in their constitutional evolution which, though comparatively recent, has now been passed. This surely was inevitable. Parliamentary Government, if it is to become a reality and not to serve as a mere screen behind which some other form of Government, oligarchical or autocratic, will operate, can only be attained by stages. In England the process occupied some hundreds of years. A parliamentary attitude of mind has to be developed in the people. The masses in India who have been bred in a tradition of autocratic government have not only much to learn: they have also much to unlearn. A mountain top can never be reached in one stride. The remaining safeguards, such as those relating to the security of the services and the protection of sources of secret information embody to a large extent the substance of conventions which are well-recognised in England and have there become as firmly established as if they were enshrined in the statute law.

With the problem of finance I have already dealt. I have never made any secret of my view that without adequate financial provision any scheme of provincial autonomy must fail and fail disastrously. On that point your debates disclosed complete unanimity. The Hon'ble Finance Member has informed you that so far as he can see there is nothing in the recommendations of the Joint Select Committee which will prevent full justice being done to Bengal's claim. I agree with his view and I have full confidence that such will be the outcome.

It is not possible for me to refer in detail to other features of the proposed scheme, many of which are of less immediate concern to a Provincial Legislature. I would only conclude by expressing my personal conviction that in a matter so beset by difficulties, here and elsewhere, no further or more prolonged effort through whatsoever agency would be likely to result in a plan of constitutional advance

better tuned to the realities of the situation or better calculated to bring about, in the course of time and with the goodwill of those upon whom in varying degrees the responsibility for its execution will be laid, the consummation of the hopes of those who have the well-being of the people of this great country genuinely at heart.

(His Excellency then left the Council Chamber in procession.)

## Obituary References.

**Mr. PRESIDENT:** Gentlemen of the Council: It is with sorrow too deep for utterance that I have to refer to the untimely death of Dr. Sir Abdulla Suhrawardy which event took place on Sunday, the 13th January last, at his Calcutta residence, despite all medical efforts to save his valuable life. When the final call comes from above we must respond to it. All human efforts to hold us back must prove futile. Metaphysics verily cuts the wings of human arrogance! In the natural process of evolution men must come and men must go—life and death are mysteriously intermingled; but, at times, men are born who survive their death—they leave their mark behind them and are not forgotten. Our late lamented friend was one of such men.

To me, his death is a personal loss. In private and public life we often used to put our heads together at moments of doubt and stress. Speaking here, my thoughts naturally go back to an incident which relates to the first reformed Council of our province. He and I, with a few other friends, formed the "Independent Liberal Party," which became the biggest party within the Council in those days, and I shall never forget how loyally he, as its Vice-President, supported me during the eventful period that I was its President to enable our party to serve our beloved province. I am now above politics and beyond parties, but I cannot forget the services which he then rendered with remarkable ability and unimpeachable integrity. I had then ample opportunity to study him from close quarters and fully test the native force of his intellect, his honesty of purpose and moral courage. I can unhesitatingly say that he was a fine specimen of his race, who could, when called upon, place character above intellect.

The late Doctor began his education in the Dacca Madrasah, thereafter he went to the Dacca College and then to Calcutta University and finally studied at the King's College in London and was called to the Bar from Gray's Inn. He afterwards toured France, Germany, Austria, Egypt and Turkey. He was connected with the Calcutta University for a number of years and was one of its Fellows. He was the first Moslem on whom Calcutta University conferred the title of Ph.D. He was also a D.Litt. of the University. He was a member

of the Bengal Legislative Council from 1910 to 1926 and its Deputy President in 1925 and 1926. He was a member of the Council of State for a time, and subsequently a member of the Indian Legislative Assembly, to which body he was again returned at the last general election. He served as a member of the Southborough Committee on Reforms and as a member of the Indian Central Committee. He was the Chairman of the Midnapore District Board (1920 to 1923) and was intimately connected with a very large number of Muslim societies and organisations. He was a distinguished scholar in Arabic and wrote a number of books on Islamic studies. Government recognised his services by creating him a Knight in 1931. By his vast learning, unquestionable talents and many aided activities the late Sir Abdulla was loved and respected by every community. His Excellency the Governor rightly called him a distinguished son of Bengal. He was an illustrious Moslem, but no less a memorable Bengalee.

May he rest in peace and may the memory of his great services to his motherland act as a spur to us to march unitedly forward, in mutual esteem and goodwill, to the goal that lies before us.

Gentlemen, we have to mourn yet three more losses—Rai Bahadur Rebati Mohan Sarkar who had been with us in this Council since 1927 died at Dacca on the 16th January last. The Rai Bahadur was a nominated non-official representing the depressed community. He endeared himself to everyone on account of his pleasing manners and genial disposition. His sudden and premature death is deeply mourned by all of us and it is a loss particularly to the Namasudra community whose interests were near to his heart.

Intelligence was also received last week of the death of another past member of this Council. Mr. J. Couper Davie died quite suddenly in England on the 2nd instant. He represented the Calcutta Trades Association Constituency in this Council in 1926. He was also a member of the Calcutta Corporation and the Calcutta Trades Association.

Gentlemen: The melancholy news of the much lamented death of Mr. S. W. Goode has also reached us. He was a member of this Council off and on from 1916 to 1926. He joined the Indian Civil Service in 1902 and served the Government of Bengal in various capacities. We knew him best as Deputy Chairman and Chairman of the Calcutta Corporation, thereafter as Secretary to the Government of Bengal and Chairman of the Calcutta Improvement Trust. It was in his time that the present Calcutta Municipal Act was passed, granting to the Corporation of Calcutta the power and right of self-government. In the latter years of his official career he was the Commissioner of the Burdwan Division and retired from service in 1931. The city of Calcutta cannot but be grateful to Mr. Goode for several schemes of improvements which his diligency and endeavours saw through. The affairs of this great

city were always very close to his heart and have found a place in his valuable publication *Municipal Calcutta*. For his brilliant and distinguished services he was made a C.I.E. in 1926.

There are many here who were close personal friends of Mr. Goode, among whom I was happy to number myself. I can never forget the ungrudging assistance he gave me and his loyalty to me as my Secretary, when I held the portfolio of Local Self-Government. Under a quiet, unassuming manner, he endeavoured to hide, what was patent to all, an acute intellect and broad and well-disciplined mind, in which was stored up what I may call his encyclopædic knowledge on matters connected with local self-government. His capacity for work and his painstaking efficiency were remarkable.

Apart from Mr. Goode, the strikingly capable official, there was under his official crust, Mr. Goode, the nature's gentleman whom his friends loved for his kindly manners, his courtesy and his readiness to lend a helping hand to those who needed it. He was every inch a thorough sportsman. He was not only a great lover of sport but sincerely believed in the humanising influence and character-building capacity of sport. He knew that healthy games must lead to real comradeship between the different communities which inhabit this vast land of ours and contribute largely towards those forces which go to create a healthy atmosphere of peace and good-will which is so essential for progress and advancement all along the line. He recognised that broad-mindedness is the synthesis of physical culture and there are few sport organizations in Bengal which have not been benefited by him. The death of such a man is a loss indeed, and I am sure it will be deeply mourned in Bengal. He left this province for which he laboured so long and so well with sorrow and regret, but only because bad health prevented him from giving of his best. We had hoped that rest and retirement would have given him a longer lease of life, but it was not to be. May he rest in peace.

It will, I am sure, be the wish of the Council that an expression of deep sympathy and of appreciation of the public work of our late colleagues should be sent to their relatives.

I will ask you, gentlemen, to signify your assent by rising in your places.

(Pause.)

Thank you, gentlemen. The Secretary will take the usual steps.

(The Council was then adjourned for 20 minutes.)

(After Adjournment.)

**Mr. PRESIDENT:** I propose to take up the questions to-morrow. We shall now proceed with the resolutions.

## RESOLUTIONS.

### Resolution regarding distribution of quinine.

**Babu KHETTER MOHAN RAY:** Mr. President, Sir, I beg to move that: "This Council recommends to the Government that all possible steps be taken for promoting the manufacture of quinine in Bengal for cheap distribution amongst the masses."

Sir, malaria has been aptly described as the poor man's heritage, and quinine according to medical experts is the only effective remedy known to science. Malaria is taking off a very heavy toll in India and in Bengal. It is estimated that 25 to 30 per cent. of the total mortality in India is due to malaria. According to the Malaria Commission of the League of Nations, one-third of the total population in India suffer from this fell disease.

(At this stage, Mr. President left the Chair which was then occupied by Mr. Deputy President.)

In Bengal malaria causes 350,000 deaths in a year and out of a total population of 50 millions, 30 millions are infected with malarial parasites. Out of 86,618 villages in Bengal 60,000 villages are more or less severely affected by this disease. According to the Report of the Royal Commission on Agriculture, of all the diseases from which India suffers, malaria is the most widespread and its effects on the efficiency of the community are simply disastrous. The Drugs Enquiry Committee (1930-31) came almost to the same conclusion when it said that the economic loss and the consequent penalty which has to be paid as a whole are tremendous. The report of the said committee further says that the direct loss, as estimated by Andrew Balfour, to the British Empire due to sickness and mortality amounted to between £52,000,000 and £62,000,000 annually, and half of these amounts would be the share of India. These facts force themselves upon our minds, when we consider that in India there are one hundred million sufferers from malaria who do not receive any treatment and a little over eight million persons suffering from the same disease receive complete or partial treatment. These figures are quite sufficient to show the extent of suffering to which our people are subject due to malaria.

As I pointed out before, quinine is used in the prophylaxis and treatment of malaria, and it is the most effective means for combating this scourge.

In view of these facts, it will be interesting to examine the consumption of quinine per head in India and Bengal in comparison with that in other countries in which incidence of malaria is high. In Italy, the consumption is 16 grains per head, in Greece 24 grains,

whereas in India it is 3½ grains. In Bengal which is perhaps the most affected province in India, the consumption per head in the Burdwan Division is 1·07 grains, the Presidency Division 1·31 grains, the Rajshahi Division 1·07 grains, the Dacca Division, 1·50 grains and Chittagong 2·6 grains.

These figures tell their own tale and show the inadequacy of quinine supply in this country.

Now, I come to the consideration of quantity of quinine which is needed from the point of public health in India and Bengal. According to the Bombay Medical Union, 125,000 lbs. of quinine would be the minimum demand for hospital and dispensary treatment alone, taking 110 grains as a minimum for the cure of each paroxysm. The potential demand is therefore somewhere between 125,000 lbs. and 1,500,000 lbs. The Public Health Commissioner with the Government of India says in a report that the question of effective treatment of malaria cannot arise until the consumption of quinine approximates 500,000 lbs. Dr. Bentley, late Director of Public Health in Bengal, was of opinion that 100,000 lbs. of quinine must be consumed annually in this province alone before any appreciable results were visible. According to the League of Nations Commission on Malaria—"national quinine requirements" of India would be about 600 tons, *i.e.*, 1,344,000 lbs. every year, whereas the quinine annually consumed in India is 96 tons or 215,000 lbs. In other words India gets one-sixth of her minimum requirement. Bengal, which is the worst affected area, gets much less than the one-sixth of her requirement which must be much more than that of any other province in India. Out of the actual quantity consumed, 120,000 lbs., *i.e.*, more than one-half, is imported from Java and the remainder, manufactured at the Government factory at Mungpoo in the district of Darjeeling at Nadupattam in the Nilgiris. The question is what possible steps should the Local Government take in order to promote manufacture of quinine so that it may be made available within easy reach of the people in general. This can be done in three ways—firstly, by undertaking plantation of cinchona and manufacture of quinine on much more extended scale; secondly, by encouraging plantation of cinchona and manufacture of quinine by private agencies; thirdly, by cheapening its prices. The Government of Bengal have only one factory with plantations at Mungpoo in Darjeeling. The area actually under plantation in Darjeeling is 287,703 acres only. But the total areas available there for plantation is much bigger. Besides Mungpoo, there are other places in the district of Darjeeling quite suitable for plantation of cinchona. Consequently, if the extension of cinchona plantation is taken up, no difficulty will arise on the score of paucity of suitable areas. The Drugs Enquiry Committee and the Royal Commission on Agriculture have made recommendations for extension of cinchona cultivation. They have emphasised particularly

the need for taking active steps for increasing the area under cinchona cultivation. They have effectively dealt with this question, to which it is not possible to do justice within the compass of this resolution.

With regard to growing of cinchona by private agencies and extraction of alkaloids by private manufacturers, Government can do a great deal in this direction and encourage private enterprises by periodical publication of useful informations and results of their experiments in their plantations and by giving assistance in various other ways and even by granting subsidies if need be. Mr. C. C. Calder, Superintendent, Cinchona Cultivation in Bengal, in one of his annual reports says: "We cannot get away from the fact that quinine is the rich man's remedy while malaria is the poor man's heritage; but let the medicine once admit and practice the value of other alkaloids (than quinine) and many Indian areas may be turning out febrifuges at costs more suited to the poor." The investigation and experience at the Calcutta School of Tropical Medicine show that alkaloids from the cinchona bark other than quinine are effective in the treatment of malaria. It is reported that the total alkaloids of the bark in the form of cinchona febrifuge have been used in the Carmichael Hospital for Tropical Diseases for many years with satisfactory results. I am told that the efficacy of these alkaloids has now been sufficiently recognised by the medical profession. If the Government encourage the policy of using other alkaloids, another advantage of this policy will be that the growing of cinchona by private agencies will be revived and this will lead to the extraction of the total alkaloids by private manufacturers. In this city there are respectable manufacturers of drugs who are quite willing to manufacture quinine and the alkaloids from cinchona bark, if sufficient quantity is made available to them. Mr. Calder, Superintendent, Cinchona Cultivation, advocated the abovementioned policy for adoption in his memorandum before the Drugs Enquiry Committee who entirely endorsed the same.

As regards the cheapening of the price of quinine, I should first of all draw the attention of the House to the costs of production of quinine. From the Government reports we find that the cost ranges between Rs. 7 to Rs. 8, while that of cinchona febrifuge is about Rs. 5. The Government are selling quinine at Rs. 8 and febrifuge at Rs. 9. These prices, at any rate, are too high from the view of the public health. Moreover, we find from the same report that the Government have to their credit a profit balance of Rs. 4 to Rs. 5 lakhs every year. In this view of the question, Government can conveniently reduce the selling price of quinine and frebrifuge to Rs. 12 and Rs. 8, respectively. It may be argued by the Government that if quinine is made cheaper, it will be exported to foreign countries. In reply, I may say that surely the Government have power to prevent export by imposing a heavy export duty.

It may be urged that although the sulphate of quinine manufactured in India is fully up to the B. P. standard and although the Government is selling quinine at Rs. 18 per pound, *i.e.*, although the quinine is selling Rs. 6 to Rs. 7 cheaper than the Java quinine, there are accumulations of stock of quinine both with the Government of India and the Government of Bengal. It is said the Government of India hold a stock of it, estimated at 270,000 lbs. of Indian manufacture and about 500,000 lbs. of Java cinchona bark—a legacy of their purchase of cinchona bark from Kino Bureau, an influential Dutch concern. The Government of Bengal, it is reported, retain a stock of 140,500 lbs. of quinine at present. The Kino Bureau sells quinine at Rs. 24, whereas the price at which the Government sells is Rs. 18. In spite of cheapness of the price, the Government could not dispose of their quinine. For this state of things the Government have to thank themselves. The quinine policy hitherto pursued by the Government and their agreement with the Kino Bureau in linking up prices with theirs are largely responsible for accumulation of stocks. It is a matter of common knowledge that the world price of quinine is controlled by the very powerful syndicate known as the Kino Bureau. Although from time to time many quinine factories have tried to become independent, they have always ended by being subjugated. The Government of India and the Local Government by pursuing a wrong quinine policy have made themselves amenable to the baneful influence of the Dutch concern. Had our Government pursued a bold policy, it could make our country independent of the foreign supply. The Drugs Enquiry Committee in their report say that the Government of India is the only quinine-producing organisation which can successfully break away from the bureau if it wants to do so, and it can make the country independent of any outside supply.

In Bengal there was a ban until two weeks back against the sale of quinine to the trade and the public. The sale was confined to the dispensaries, the hospitals, Government institutions, local and missionary bodies and the anti-malarial societies. The distributing centre is inside the Presidency Jail, Alipore. People have got an instinctive dislike against resorting to the jail premises for the purpose of business. Besides the Government have not adopted up-to-date methods of advertisement and distribution. Over and above these, the price is too high for the poor. Why not reduce it to Rs. 12 and Rs. 8 for quinine and febrifuge, respectively, as suggested before and the stock will disappear in no time. Here I should like to stress one feature of this industry, namely, the outturn of febrifuge has been 22,000 lbs. in 1933-34, but there is no stock of it as the demand is great on account of its cheapness. Here I may mention that the annual production of quinine at the Mungpoo factory was about 50,000 lbs. in 1933-34. It is expected the outturn will be the same for the next few years. But the areas allotted to the Bengal Government for the distribution of

quinine are Bengal, Bihar and Orissa and Assam. Considering the huge areas served by the Mungpoo factory, the produce is insignificant. Here I may mention one important fact relevant to the question before the House. It is reported that the Government of India in order to release their dead capital locked up in the stock of quinine with them are pursuing three courses, namely—(1) to sell a part of the stock of 120,000 lbs. at a reduced price of Rs. 6 to the Kino Bureau; (2) to close down plantation in Burma which used to supply cinchona bark to the Darjeeling and the Nilgiri factories in addition to the bark produced in those places; and (3) to stop for the time being any further extension of the Darjeeling and Madras plantations, though, as I have pointed out before, there is ample scope for their expansion. If this be the case, it is beyond our comprehension that the Central Government should sell their stock to the Kino Bureau which, it is said, with the abundant resources at its disposal, is interfering with the free extension of cinchona cultivation and distribution of cheap quinine in India. If Government is under the dire necessity of speedy disposal of their quinine, they should in all fairness to the country sell the stock to the Indian sellers of the drug after fixing the retail price of the same on condition that it must not be exported outside India. Large stocks of quinine with the Government of India and the Local Government are not an unmixed evil. It has one advantage, namely, that it will have the effect of keeping down the price of quinine. If the stocks in the hands of the Governments are rapidly depleted and run short, the exporters of foreign quinine will at once raise its price to the detriment of the interests of the sufferers from malaria in this country. It is desirable that the Governments should have always stocks of quinine with them and in the present state of the quinine industry in the country, Government should not stop the expansion of cinchona cultivation.

The most important point in this connection is that the Government should take steps to popularise quinine amongst the masses. The more you popularise it, the more will be the quantity of quinine consumed, and the number of malarial cases will decrease in proportion. Mere cheapness will not lead to consumption to the desirable extent unless active steps are taken to bring home to the ignorant and illiterate masses in the interior of the country the efficacy of quinine in the prophylaxis and treatment of malaria. Besides making quinine cheap, the Local Government should concentrate its efforts on popularising quinine amongst the masses. Quinine should be made available in every creek and corner of the country so that the villagers may purchase it with as much facility as they do in the case of articles of daily consumption. Mere selling of quinine through the agency of the post offices has not the effect of popularising quinine. Government should have resort to other active and effective means to bring the blessings

of quinine home to the ignorant masses. The more quinine is consumed in a country, the more is the country free from malaria. When in 1903, the Italian Government made quinine a State industry, and cheapened its retail price, consumption in that country was enormously increased and malaria mortality was reduced from 15,000 to 3,000 a year. In the interest of the public health of the province, therefore, I hope and trust that Government will concentrate their best efforts on cheapening and popularising quinine and thereby increase enormously its consumption in the country. If Government adopt this policy, I venture to say they will be able to reduce very largely the mortality from malaria within a very short time. I hope Government will pursue a policy which will make Bengal self-contained and independent of foreign supply so far as quinine is concerned.

With these words, I beg to commend my resolution to the acceptance of the House.

**Rai Bahadur Dr. HARIDHAN DUTT:** For the last two years, Sir, I have been trying to bring to the notice of this Council the anomalous position of quinine supply in India, but unfortunately I failed to bring the matter to a head owing to difficulties connected with procedure in this Council. At last with the help of several colleagues of mine who sent notices simultaneously, the ballot difficulty has been overcome, and with the good luck of my friend Babu Khetter Mohan Ray we have at last got an opportunity to discuss this question which, to some of us, seems to be a very important one. Although luck is still against me, I am very much thankful to you, Sir, for giving me permission to speak at this stage. I wholeheartedly support the resolution of Mr. Ray and presently, Sir, I shall place before this Council a scheme for the purpose of promoting the manufacture of quinine, cheapening it and encouraging its wide distribution to the masses. I do not like to take up the time of the Council unnecessarily. Some of the points regarding quinine have already been touched upon by the mover of this resolution, and I do not think it is necessary for me to remind this House that malaria is a scourge in India, particularly in this province of Bengal. I believe, Sir, everyone including this bureaucratic Government will agree that the control of malaria is a national problem. That control of malaria can be divided into two parts. One is preventive, the other is curative. For the purpose of preventing malaria, steps are being taken all over the country. I have had some experience of the working of the mosquito brigade pouring insecticide into tanks and filling up gaps on the surface of the earth and treating them with kerosine oil and various other insecticides. The enormous expenditure incurred on these measures and the little effect which is the outcome of these measures, set us thinking as to whether the work even when pushed with vigour and energy is likely to achieve

our object. Speaking about Calcutta, I remember during the last 20 years various mosquito brigades have worked in the city and its environs, but still the same cry is there; the mosquito is a scourge, and the people are anxious to get rid of it. I was also to a certain extent responsible for the introduction of the mosquito brigade in connection with the Calcutta Corporation. What is the experience there? I would ask my friends who are in office to consider that. Let it not be thought that I am giving my opinion against this mosquito brigade. I would like them to continue, but are they enough to achieve what we want? Is it proper for us to suppose that with the work of the mosquito brigade alone we would be able to eradicate the mosquito nuisance altogether? In a tropical country like ours it is doubtful whether we would be able to exterminate the mosquitoes. I request those who are in power to consider this. It is true that experts have suggested that for the prevention of malaria anti-mosquito measures must be taken. I agree with them that these measures have their value, but would they help us in attaining the object which we have in view, namely, the extermination of the mosquito altogether? That being the position, Sir, we must have recourse to curative measures, and that curative measure in one word may be summed up as quinine. I have heard of various synthetic preparations which are very efficacious and are supposed to replace quinine, but some of them are so very costly, that even admitting that they are very successful specifics, the idea of replacing quinine with these specifics, does not come within, what is ordinarily called, practical politics. That being the position, the importance of quinine cannot be disregarded. My friend has already given you certain figures to point out what the requirements of the country are. I think he has already cited that in the estimation of the League of Nations a large quantity of quinine is necessary for the purpose of eradicating malaria by the curative use of quinine. He has also pointed out to you that the present requirement is very large and that the present supply, on which the Government relies, is practically not more than one-sixth of the requirement. Perhaps I may be wrong, but I think the estimate of the League of Nations is very much more than that. Their estimate, I am disposed to think, is rather erring on the other side. If you take into consideration this point, namely, that quinine is a specific and that for curative purposes quinine is extremely necessary, the question arises what quantity will be required for the purpose of effectively carrying out our object, namely, prevention of malaria. It may be said at the present moment the requirements of the district boards, hospitals and charitable institutions are met by the supplies from Government. I must accept that, but beyond that there is the necessity of a very large quantity of quinine to be brought to the doors of the people, and the people are to be induced to take quinine simply for the purpose of eradicating this poison of malaria. It must be admitted that in the chain of malaria, I mean

the aetiology of malaria, persons affected by malaria and suffering from it form a very important link, and that link must be saturated with quinine if the chain has to be broken and malaria suppressed. Only a portion of that requirement is met by what is produced in the Government factories. But a large portion of what is necessary is supplied by, what my friend has already stated, the Kina Bureau. The name of this Kina Bureau, I must say, excites some amount of feeling in most of us. The present position, I understand, is this, that except for the small portion produced in the Government factories in India, India has to depend almost wholly for the supply of quinine from the Kina Bureau. This Kina Bureau, some of my friends may not know, is a confederacy of some Dutchmen, and my information is that only one European firm is interested in that Bureau, and the rest are Dutchmen with whom we have no sympathy, and they also have no sympathy to reciprocate with us.

That being the position, I cannot make out why anybody in this part of the world is so very anxious for the interest of the Kina Bureau. Only the other day, in October last, we got a statement published in the *Statesman* in an article about this. I will not take much time; I will only quote two or three lines here and there. This is what the *Statesman* had got to say in connection with this Kina Bureau. The *Statesman* writes: "Recently a representative of a powerful Dutch Company was reported to be negotiating with the Government of India for buying the Government stock of quinine and undertaking the distribution of this necessary drug in this country.". Sir, the *Statesman* is not supposed to be a nationalist paper like *Advance*, *Forward* and *Amrita Bazar Patrika*, but it writes: "It is an unexplained mystery why in view of the needs of this malaria-stricken province, and with a large stock of Indian quinine in hand, the country should be importing Java quinine at a higher price. It seems even a greater mystery why the Government of India should be negotiating with a Dutch Company to sell its own quinine to the Company and entrust the Company with the distribution of the drug in this country." Further down I find: "Quinine is not entirely a commercial proposition in India. It has a public health aspect. From the meagre information available to the public, the sale of Indian quinine in India, without the intervention of a foreign agency, would appear to be a sound proposition commercially and otherwise. It is due to the public that the Government should reassure it that no agreement will be made by which a powerful foreign company can establish a monopoly in this country and then raise the price of a most necessary drug." These things ought to be the eye-opener to all as to what is going on elsewhere. The Government of India is such a long distance from Calcutta that I doubt very much whether our wail here will reach their ears. Bengal is notoriously malarious. It is a matter of satisfaction to find that malaria is

extending to that portion of the country with which the Government of India is directly concerned. However, it is time that we should formulate our quinine policy, instead of allowing it to drift between the Government of India and the Government of Bengal. It is time that we the Bengalees and the representatives of the people in this Council should look into the question more seriously and see whether we can put our heads together and make ourselves independent of the supply of quinine from a foreign company which has little sympathy with India and far less with Bengalees. Then, I find that all over the world attempts are being made to make different countries independent in regard to the supply of one of the most important drugs, namely, quinine. It is known to all that there are certain countries which are particularly malarious. Japan has also this problem to solve, and I understand there are other countries where the same difficulties have arisen. I find that at the present moment all those countries who want large quantities of quinine are trying to husband their resources and cultivate cinchona with a view to manufacture quinine and become independent of the Kina Bureau. By encouraging the plantation of cinchona in the island of Formosa, Japan expects to be independent of the outside sources of supply of quinine within a comparatively short space of time. In French Equatorial Africa the experimental cultivation of cinchona has been so successful that it is proposed to reserve large areas in the Cameroons for its cultivation, and the French Empire Economic Conference in Paris has recommended that a large sum of money should be allocated for this purpose. It is clear therefore that all the countries are trying to be independent of the outside sources of supply of quinine. Is it not time that India which requires tons and tons of quinine should try to manufacture and sell quinine at a cheap rate? That being so, I think it is time that we should husband our resources and try to meet the situation in the best way possible. I do not like to take up much of your time, but before I sit down I should place before you the scheme which I consider to be quite feasible and which may easily be taken up by Government. What I want is first that the Government should give facilities to the representatives of the manufacturers in Bengal for learning the manufacture of quinine and other alkaloids and the cultivation of cinchona plant. In this connection I would like to point out that during the last 20 years vast changes have taken place in our society. The University of Calcutta have educated a large number of young men and have given them the degrees of B.Sc. and M.Sc. But unfortunately many of them have turned no better than clerks. Is it not time that some of them should be utilised in the manufacture of drugs with which we are so vitally concerned? My second point is that for a period of at least 3 years these manufacturers should get adequate supply of cinchona bark from Government at a reasonable price so that they may have a fair experience so far as the commercial aspect of the manufacture is concerned.

Thirdly, Government should extend the cultivation of cinchona by say 1,000 acres a year and investigate the possibility of its cultivation in new places. I am surprised to find that Government is on the other hand thinking of reducing the cultivation. My fourth point, which has already been touched upon by the mover of the resolution, is that the export of quinine manufactured in India may be prohibited. If we produce quinine cheap, it will be taken away by the Kina Bureau or other outsiders, but that can easily be prevented by a tariff. Fifthly, I would ask that even if private manufacturers sell quinine at cheap rates, Government should not stop the cultivation of cinchona. There is no risk for Government if they sell the cinchona to private manufacturers when it is found that private manufacturers are taking to the manufacture of quinine quite successfully. In this connection I should like to cite an analogous case. I understand that the Government of Madras wanted to make an experiment with aluminium. They started a big factory which ultimately did not give much return. But the Government taught a large number of private manufacturers to carry on the manufacture of aluminium, and when that was found successful, the Government stopped their own manufactory. Why should not that policy be adopted here? Sir, we find at the helm of our affairs at the present moment an enthusiastic and patriotic Indian like Sir B. L. Mitter whose sympathy and earnest endeavour to help Bengal is well known. My appeal to him personally is that he should consider my scheme with the advice of such experts as are competent to advise in this matter. We do not want the Kina Bureau men who are not the proper persons to help or advise Government in this matter. There are some who cannot look upon this question from the nationalist's point of view but always through smoked spectacles. I hope the Hon'ble Member will kindly remember that. If necessary, the Government ought to form a committee at once to prove into the real question. If the Hon'ble Member really wishes his mother country to get rid of malaria, I think here is an opportunity and he ought not to lose that opportunity which may not come again.

**Sir HARI SANKER PAUL:** Sir, the importance of quinine as a drug in a malaria-stricken land like India can scarcely be overestimated. The actual annual consumption of two lakhs of pounds is scarcely a true index of the quantity that ought to be consumed in view of the fact that on a meagre computation no less than ten crores of cases of malaria occur in the year. In fact, should the stuff have been sufficiently low priced placing itself within the easy reach of the poor suffering millions, the consumption would have reached as high a figure as fifteen lakhs of pounds. However, it is disturbing enough to find that no less than two-thirds of the present actual consumption is of

foreign import controlled and guided by a powerful, efficient and comprehensive organisation like Kina Bureau. The Indian manufacture under the control and supervision of the Government supplies only one-third of the consumption, in spite of its appreciably cheaper price. The apparent reasons for the Government quinine not having been in due demand so far can be traced, in my opinion, to (1) its dusky colour as compared with the pure white colour of the foreign import, (2) want of the proper finish being imparted to it to bring it up to the standard of the foreign import, and (3) lack of proper arrangements with reputed dealers of drugs to effect a quick and systematised answering to the needs of the poor suffering masses. Besides being a commercial proposition, the manufacture of quinine has its health aspect. In view of the frantic efforts so successfully made by Japan and France to be independent in respect of their supply of cinchona bark for the manufacture of quinine, it is high time for us to forestall the serious consequences of our inaction in this respect. To save this land from the domineering influences of the Kina Bureau and to rightly serve and further the interests of our people the Government should immediately consider the taking of all possible steps to promote the manufacture of quinine in Bengal, the worst sufferer from the scourge of malaria of all the provinces in India. To reach on a wider scale to the masses proverbially indigent, the product must be cheap, and to ensure this the Government should encourage responsible and respectable private parties to manufacture quinine strictly to the B. P. standard. At the initial stage the Government should supply them with cinchona bark from their Madras or Mungpoo plantation not only in a sufficient quantity, but at a quite reasonable price. They should also offer technical advice in its manufacture. Further, they should encourage and stimulate cinchona cultivation by private parties, conduct efficient research work to explore the "natural zone," the genial soil for the cultivation of cinchona by the parties.

The economic implications in encouraging this way of quinine manufacture by reputed private parties are not negligible. It will surely find work for many scientific and technical experts and so in its own way help the tackling of the knotty problem of the unemployed middle class educated youths whose energy and brain might otherwise work the other way. With these few words, I support the resolution.

**Mr. SARAT KUMAR ROY:** Sir, I rise to support this motion. It is to be regretted that the policy of the Government, both in respect of the manufacture and sale of quinine, is not at all clear. However, my predecessors have already discussed the questions involved in detail, and I need hardly review them over again. Yet, Sir, I think I am correct in saying that the amount of quinine consumed in India is enormous; and

Bengal's share in it is unquestionably heavy. We are also told that the bulk of the quinine thus consumed comes from outside India, and such imported quinine sells at a higher price than that manufactured in India, the difference being Rs. 4 to Rs. 5 per pound. It seems to me to be a mystery why in view of such facts, the Government do not consider it advisable to expand its own cinchona cultivation and manufacture of quinine therefrom. Now that there is a general cry for deficit budget, I would rather think that instead of imposing fresh taxation to meet such deficit, the activities of Government may be very well directed towards the exploitation of other sources of income, and I think expansion of cinchona cultivation and manufacture of quinine will afford them with a splendid opportunity for such an additional source of revenue.

But the important point for consideration is, that in a malaria-stricken province like Bengal, the need for quinine is really greater than what is at present consumed; and the masses of Bengal who require them most can ill-afford to use it unless it is available to them at a cheap price. In the interest of public health the Government should concentrate their efforts in popularising quinine among the masses and in making Bengal self-contained so far as quinine is concerned. I think that if the Government expands its manufacture on a more extensive scale, it may be possible to sell quinine to the masses at a low price and at the same time derive a substantial revenue. Therefore, I would earnestly ask the Government to consider the matter and to take immediate steps for the expansion of the manufacture of quinine on a remunerative scale and its cheap distribution among the masses. With these words, I support the motion.

**The Hon'ble Sir BROJENDRA LAL MITTER:** When I had the printed list of resolutions it gladdened my heart to see that no less than 18 hon'ble members of this House were sponsoring the same resolution which has been moved by Mr. Khetter Mohan Ray, but, Sir, the empty benches on an occasion of this importance are somewhat disheartening. The question of quinine is of vital importance to this province, and I wished the importance was stressed in a more emphatic manner than has been done to-day. Since I agree with the hon'ble members as regards the ravages of malaria and the usefulness of quinine in arresting those ravages, I need not dwell upon that point. I agree with a great deal of what the hon'ble members have said. I agree that quinine is absolutely essential for our people; I agree that the consumption of quinine in Bengal is grossly inadequate, and that it is to the interest of our province and of our people that the consumption should be very much larger. But when we come to the practical methods to be adopted for the purpose which both Government and the non-official members have equally in view, namely, the larger consumption of quinine to fight malaria, I cannot unfortunately agree with the suggestions which have been made.

The suggestions seem, on the face of them, attractive, but when you examine them closely you will find that they are not likely to yield the results expected.

Sir, with regard to my hon'ble friend Dr. Dutt's scheme, I am not in a position to examine it, as that scheme is largely outside the scope of the resolution. I propose to confine myself to the resolution itself because, if you once allow yourself to go outside it, there is no limit to the distance you may go. For instance, the first item in Dr. Dutt's scheme is that Government should give facilities to people to learn the manufacture of quinine salts; that is not in the resolution; it is quite outside it. The resolution moved by Babu Khetter Mohan Ray is that all possible steps be taken for promoting the manufacture of quinine in Bengal for cheap distribution amongst the masses."

Sir, as regards the resolution I have got one little grievance of my own. I hope my hon'ble friends will pardon me if I ventilate my grievance as they have ventilated theirs. I do not exactly know what is meant by the resolution: does it mean the manufacture of cheap varieties of quinine salts, or does it mean a larger production, which will result in a reduction in price? The resolution says: "Promoting the manufacture of quinine for cheap distribution." If you put emphasis on the word "cheap" it may mean that you are recommending the production of cheap varieties of quinine salts, for distribution. I think, however, that the real intention of the resolution is that, by promoting the manufacture of quinine, that is to say, by producing large quantities the necessary consequence will be to cheapen the price and incidentally to ensure a larger consumption. If that is the meaning I must say that I do not entirely agree. Our experience in the past has been that cheapening of price is not always followed by larger consumption, and I shall give the House a few figures in this connection. Before 1921 quinine was sold at Rs. 48 to Rs. 50 a pound. Sales of quinine before 1921 were as follows—in the year 1917-18, it sold to the extent of 118,000 pounds; in 1918-19 to the extent of 67,300 lbs. I am giving the figures in round numbers. In 1919-20 the sale was 75,000 lbs. and in 1920-21 it was 49,500 lbs.; thus we find that the sale of quinine for four years before 1921, when the price was very high, namely, Rs. 48 to Rs. 50 a pound, the sale was between 50,000 lbs. and over 100,000 lbs. In 1922 the price was reduced to Rs. 36—Rs. 38 per pound, and what was the result? We find that in 1922-23 the sale was 27,000 lbs. In 1923-24 the sale was 32,000 lbs.; in 1924-25, 31,700 lbs.; in 1925-26, 30,000 lbs. So we find that although the price was considerably lowered, the consumption of quinine instead of rising showed a decided fall. In 1926 the price was further reduced to Rs. 18 to Rs. 20 a lb., which is the present price. What is the result? In 1926-27 the sale was 29,000 lbs.; in 1927-28, 34,000 lbs.; in 1928-29, 41,000 lbs.; in 1929-30, 38,000 lbs.; in 1930-31, 41,000 lbs.; in 1931-32, 46,000 lbs.; in 1932-33, 43,000 lbs. and

in 1933-34, 57,000 lbs. Sir, when the price has been the lowest, i.e., Rs. 18 to Rs. 20 per lb., in not a single year do we find the sale going anywhere near the point when the price was the highest, viz., Rs. 48 to Rs. 50 per lb. From these figures I draw the inference that the price has really little bearing upon the incidence of consumption. Other factors come in; price is not the determining factor.

**Rai Bahadur Dr. HARIDHAN DUTT:** Quality also may have something to do with consumption.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Yes, the quality so far as the Bengal factories are concerned has always been up to the B.P. standard. There has never been to our knowledge any complaint in any quarter that the quality of the quinine produced at Mungpoo is inferior to any imported stuff. On the contrary, our quinine has been analysed time after time and it has been shown to be quite up to, if not above, the B.P. standard. What I wish hon'ble members to bear in mind is that mere reduction in price does not necessarily lead to larger consumption of this valuable drug. It may be that in years of acute epidemic, whatever the price, the consumption goes up. Various other factors may influence consumption, but my point is that reduction in price does not necessarily lead to larger consumption. Whatever may be the language used in the resolution, I have little doubt in my mind that what hon'ble members really intend is that there should be larger consumption of quinine in the country. But the suggestion that, by lowering the price there would be a larger consumption, that is a proposition with which I cannot agree. We must look to other methods for the purpose of stimulating consumption.

The second item in Dr. Dutt's scheme is that, for three years at least manufacturers should get cinchona bark from Government at reasonable prices for the purpose of experiment. Well, there is nothing to prevent private manufacturers from doing so even to-day. In 1926 Government published a notification in which the prices of various quinine salts were given and at the end of it there was mention of cinchona bark in packets of 50 lbs. That notification is still in force. We have been selling cinchona bark in larger or smaller quantities. Therefore, the second item in Dr. Dutt's scheme is superfluous. At the present moment it is open to any private manufacturer to buy cinchona bark from Government at reasonable prices. Last year we sold a large quantity of cinchona bark at annas 7 per lb. to the Madras Government. Dr. Dutt game me the impression that there was some prohibition against private manufacturers getting cinchona bark from the Government plantations. Sir, that is not so: Government cinchona bark is free for sale.

Sir, the next item in Dr. Dutt's scheme is well within the scope of the resolution; he says that the Government plantations should be extended by at least 1,000 acres a year. On this point I want to place

before the House certain facts. As has been said by one or other of the speakers, we produce roughly about 50,000 lbs. of quinine a year at our factory in Mungpoo; but our sale of quinine is very much less than 50,000 lbs. The result is that every year a surplus is left over which goes to accumulate our stock. Now, what is the use of extending our plantations and producing more bark and more quinine if there is no market for these products? The policy which the Local Government have followed is that we should produce according to demand with a margin. If the demand be 35,000 lbs., is it any good producing 100,000 lbs.? What we do is that we produce 50,000 lbs. a year; that means that after sale of 35,000 lbs. 15,000 lbs. of quinine go into the reserve stock. But if we were to follow Dr. Dutt's advice and extend our plantations every year and produce more bark and more quinine, what shall we do with the surplus? Whatever demand there has been in the province, has been promptly satisfied from the Government factory.

Sir, the next item in Dr. Dutt's scheme is that if by lowering the price the apprehension be that quinine will be exported to foreign countries, that apprehension can immediately be allayed by prohibiting export of the drug. That question, therefore, does not arise. There is no question of our exporting quinine to foreign countries. It has been pointed out by several speakers—I think Sir Hari Sanker Paul said—that two-thirds of the quinine consumed in India is foreign quinine, and only one-third is indigenous. If that be so, we are importing quinine and there is no fear of export. Where the fear lies is that the Government of India have delimited the area within which the Government of Bengal can operate, which is Bengal, Bihar and Orissa and Assam. We cannot sell our quinine outside these provinces, but we can sell our quinine within these provinces. The fear is this: supposing we reduce our price very much lower than the present rate, any middleman can buy our quinine cheap; just cross over to the United Provinces and other places and sell the quinine. What will be the result? Our people will go without quinine, and other people will get it at the world price and the middleman make a profit. That is why Government have always followed the policy of regulating the price of quinine, not by the cost of production but by the standard price obtaining in the world market. As regards the price, I shall have something more to say; but at the moment the policy is to regulate the price of quinine not by the cost of production but by the movements in the world market. Unless you do that, you stand to lose your quinine—your people will not be benefited while other people will be. What is the good of that?

Then, Sir, I come straightaway to the question of price. I have attempted to show that a mere lowering of price does not stimulate consumption. Now as regards the price, I think that hon'ble members have

been told—anyhow I may repeat—that we sell Government quinine much cheaper than anybody else. I will give you some of the figures. As regards quinine-sulphate powder, our price is Rs. 18 to Rs. 20 per lb. Howard's quinine is sold by Bathgate at Rs. 24-8 per lb.; B. K. Paul at Rs. 22-4 per lb.; O. N. Mukherjee at Rs. 22-8 per lb.; German quinine at Rs. 21-10 a lb.; Java quinine at Rs. 22 a lb.; while our price is Rs. 18 to Rs. 20 per lb., which is much below the prices of foreign quinine.

Coming to tablets, our quinine sells at Rs. 24-9-9 a lb.; Howard's Rs. 27-8; German Rs. 25-3; Java Rs. 25-14. From these figures hon'ble members will see that we sell our quinine much cheaper than any foreign quinine. Now, as regards the objection to lowering the price still further, I have already indicated that it would result in our people, who want quinine very badly, being deprived of the drug and the quinine taken out of this province—not to foreign countries, but to other provinces of India—and sold there at the world price. Who will benefit by this? Not our malaria-stricken people, but the middlemen who will get all the profit. That will be the result of unduly lowering the price, without regard to world prices. Further, with regard to this question of price, I would like hon'ble members to realize that we are not our own masters in this matter. The price is regulated by the Government of India, and one of the policies which that Government have always insisted on is that the price of quinine should be uniform all over India. And that is a very sound policy, because if the price of quinine fluctuates, varying too much from province to province, the result will be that the province which sell it at a low price will deprive its own people of the benefit of the price and the middlemen will buy the quinine and sell it in other provinces at a higher price and get a profit. In 1926 the Government of India issued a notification in these terms:—

"In pursuance of the powers conferred by item No. 19 of Part I of Schedule I to the Devolution Rules, the Governor General in Council is pleased to declare that the control, to the extent hereinafter specified, of the production, supply, and distribution of quinine and cinchona by the Government of India is essential in the public interest and to make the following rules regulating such control, namely (I shall read only two or three rules which are relevant.)—

(*a*) the maintenance by purchase or by planting or manufacture of such stocks of quinine as may be necessary, in addition to those held by Local Governments, to meet current official requirements and to form a reserve for use in epidemics;

(*b*) the fixing of issue prices of quinine on uniform basis which shall be binding on the Government of India and on all Local Governments;

(c) the regulation of the planting programmes of Local Governments and the co-ordination of such programmes, with the planting programme of the Government of India;

(d) the determination of the areas which shall be supplied with quinine from each source of supply."

And so on.

From this hon'ble members will see that with regard to the suggestions which have been made, we are under the control of the Government of India. We cannot take a line of our own irrespective of the line taken by the Government of India or other Local Governments. The policy of all Governments must be co-ordinated. Our policy in regard to expansion of plantation is similarly under the control of the Government of India; and as I have already said, Sir, our plantation is large enough to meet our requirements and at the same time leave a reserve. We have got at the present moment a stock of something like 2 lakhs of pounds of quinine. Two lakhs is the total annual consumption for the whole of India. If as a result of popularising quinine, consumption goes up in Bengal, we have got a sufficient stock in hand and we produce sufficient quantity every year to meet any reasonable increase in the demand within the next few years. That is the actual state of things, although I must say that the ideal state of things should have been that 2 lakhs of lbs. should be consumed in Bengal alone and not in the whole of India. I am facing realities. Look at the facts as they are. They point to this: that we have got a sufficient stock of quinine and we produce enough to meet any reasonable increase in consumption. In such a state of things, is it good policy, is it businesslike that we should go on extending our plantation by 1,000 acres a year? What shall we do with our quinine? Our stock will go on accumulating.

Now, Sir, as I said at the outset, I am at one with the hon'ble members opposite in the view that consumption of quinine should be stimulated. As we all know, larger quantities of quinine are required for fighting malaria. It has been suggested: Why do not Government do it? Government have undoubtedly a duty; and at the present moment we have under our consideration a definite scheme for popularising the use of quinine and bringing the valuable drug to the door of every villager. Probably, before the end of the session I may be in a position to announce what the scheme is; but, at the moment I cannot disclose details, because various negotiations are going on: and we have to obtain the sanction of the Government of India before any scheme can be put into operation. What I want hon'ble members to realise is that we are not blind to this important question. We have taken up this question in earnest, and we are taking steps to popularise quinine with a view to its larger consumption in the province. If reduction in its price to a certain extent be necessary for the purpose,

we shall not hesitate to press that point on the Government of India for their sanction. (Cheers.) Sir, with regard to this question of popularising the use of quinine, it pains me to hear at least two hon'ble members suggesting that the whole duty lies on the Government. May I ask why should not my hon'ble friends feel it as part of their duty also and join the Government in the propaganda? Sir, the people who can do the most valuable work in this direction belong to the honourable profession of my friend Rai Bahadur Dr. Dutt. It is the doctors who can popularise the thing; they can do it much more effectively than any one else. If the doctors as a matter of propaganda try to persuade people that quinine is essential for the purpose of fighting malaria, that will have much greater effect than the Collector of a district telling the villagers or the Deputy Collector telling the shopkeepers, to take quinine. But all that is beside the point. What I do say is this, that propagandas is necessary for the purpose, and my friends opposite can help the Government in this propaganda as many hon'ble members are doing in the matter of jute restriction. If hon'ble members can put their heart into the question of jute restriction, they may as well put their heart into the question of quinine expansion.

Before I sit down, Sir, I will tell my friends opposite another fact. We are convinced that a larger consumption of quinine is necessary by whichever means it can be effected, and for that purpose we have already taken steps to make more quinine available for free distribution than is possible now. As hon'ble members are aware, in this year's budget a sum of Rs. 1,20,000 was sanctioned for free distribution of quinine through district boards, local boards, union boards, and so on. The Revenue Department and the Public Health Department are in consultation on the feasibility of making more quinine available to the Public Health Department for the amount sanctioned, and if the House sanctions any larger sum in the next budget, still larger quantities will be available.

Sir, I have given sufficient facts to hon'ble members for the purpose of this resolution. My answer to the resolution is, we are manufacturing quinine enough to meet the needs of the province, and our resources are such that with what we are doing now, and with our accumulated stocks we can meet any reasonable increased demand within the next few years. Therefore it is unnecessary to take any further steps for the purpose of cheap distribution, because it seems that by merely cheapening the price you do not stimulate consumption. The price at which we sell is the lowest in the market. Both the hon'ble members opposite and the Government benches are at one that there should be larger consumption of quinine, and for that purpose we are considering ways and means and I hope before the end of this session I will be in a position to make an announcement. I hope the hon'ble Mr. Ray will now think fit to withdraw his resolution and not press it to a division.

**Rai Bahadur Dr. HARIDHAN DUTT:** May I ask one or two questions?

**Mr. DEPUTY PRESIDENT:** Yes, you may.

**Rai Bahadur Dr. HARIDHAN DUTT:** My first question is, why cannot you increase the produce to displace a portion of the imported quinine? My second question is that if the Government of India's obstacles stand in the way, attempts should be made to remove them so far as appear reasonable. If that be so, and if my hon'ble friend will kindly give this Council an answer within the 31st March, then I for myself do not find any reason for pressing the resolution.

**The Hon'ble Sir BROJENDRA LAL MITTER:** There is no question of obstacles. The question is that we have got to get the sanction of the Government of India for any such scheme because under the notification which I have read out, the Government of India controls the question of price, distribution, plantation and everything, and in giving their sanction, they have to consider the policy pursued in other provinces. For instance, I may mention one little fact from which hon'ble members will see the risk of jumping to conclusions. Our cost of production in Bengal, as has been said, is somewhere in the region of Rs. 8 a lb., but the cost of production in Madras is Rs. 13. In fixing a uniform price, the Government of India have to consider the difference. They have got to consider not only conditions in Bengal but also in other provinces, and we have to get their sanction. I do not think it is right to describe their attitude as an obstacle. But, as I have said, if we are convinced of a particular line of action, we shall not hesitate to press that on the Government of India. As regards the other question, I could not catch what the hon'ble member said.

**Rai Bahadur Dr. HARIDHAN DUTT:** The other question was whether the offer of sale of cinchona bark from the Mungpoo factory should be on a manufacturing scale. If we are manufacturing a sufficient quantity, why are we not displacing the foreign stuff.

**The Hon'ble Sir BROJENDRA LAL MITTER:** It is not for us to displace it. If the buyer wishes to buy the foreign stuff, we cannot compel him to buy our product. We are selling cheaper, but unfortunately we find from what Sir Hari Sankar Paul has said, one-third of the total consumption is Indian and two-thirds foreign. As a matter of fact, I ought to correct my hon'ble friend—the total consumption is not in that proportion. The quinine figures are 99,000 lbs. Indian, and a little over a lakh foreign. Of the total two lakhs it is nearly half and half. But that is a matter of the buyer's choice.

**Babu KHETTER MOHAN RAY:** With regard to the complaint of the hon'ble member that local quinine selling here does not find as much favour as foreign quinine, it is clear from the proportion of the sale of foreign quinine and quinine manufactured in the Government factories that the quinine manufactured at the Darjeeling factory does not find favour with the people in general because of its dusky colour as compared with the pure white colour of the foreign stuff. I should like to draw the attention of the Hon'ble Member to this, and request him to try to bring it up to the standard of the foreign quinine. My second point is the lack of proper arrangement or organisation to effect a systematic and quick disposal of the drug through its reputed dealers. The reason is that the foreign exporter of quinine generally gives certain concessions to dealers, but Government does not deal with them in that way. I think the drug which is manufactured at the Mungpoo factory will certainly find favour amongst the people on account of its cheapness if the dealers get the same concessions as are given in the case of foreign quinine. I am simply drawing the attention of the Hon'ble Member to this so that he may take such steps——.

**The Hon'ble Sir BROJENDRA LAL MITTER:** May I tell my hon'ble friend that these are the very questions which are under our consideration at the present moment?

**Babu KHETTER MOHAN RAY:** Then, Sir, in view of the assurance that the Hon'ble Member is preparing a scheme with regard to quinine, I beg leave of the House to withdraw the motion.

The resolution was then, by leave of the House, withdrawn.

**Resolution regarding [illegible] remission of revenue in Chittagong.**

**Haji BADI AHMED CHOWDHURY:** I beg to move that this Council recommends to the Government that the revenue of the revisional survey of the temporarily-settled estates of Chittagong and other districts, which was enhanced on the basis of the rise of the price of paddy and jute, be remitted at least by 25 per cent. till the price of paddy and jute again comes to the normal condition.

The member addressed the House in Bengali in support of his resolution. The Council was adjourned for 15 minutes during the course of his speech which he finished after adjournment. The following is a translation of his speech:—

Sir, I beg to move that this Council recommends to the Government 25 per cent. reduction in the revenue fixed by the revisional survey of the temporarily-settled estates in Chittagong and other districts. As these rents were assessed at a time when the price of paddy and jute was

much higher than at present, the proposed reduction should remain in force until at least the price of these commodities attain the same level as before.

My reasons for moving the resolution are as follows:—The Revenue Survey of temporarily-settled estates is held every 30 years for the purpose of properly assessing the annual rents on the basis of the price available at the time for the staple crops raised in the estates. The price of paddy gradually rose to Rs. 3-8 and Rs. 4-8 from what it was about 20 or 25 years ago. But since 1928 it has begun to fall with the result that paddy is being sold and purchased in the villages of Chittagong at a rate from Re. 1 to Re. 1-4 per maund for the last five years. In reply to my question in the Council on the 31st August, 1933, Government stated that paddy was selling at Re. 1-8 per maund in Chittagong. Even accepting this figure, we find that during the last five or six years the price has gone down on an average by two-thirds.

The survey and settlement operations were started in Chittagong in 1924 and finished in 1929. The rents, therefore, were fixed in accordance with the price of paddy obtaining at the time, which was Rs. 4 to Rs. 4-8 per maund. As a result, rents were enhanced one and a half times, twice, thrice and in some cases even four times the original amount. When the price of paddy and jute came down, I moved in this Council a resolution for reduction of rents. The late Hon'ble Sir P. C. Mitter, Revenue Member at the time, fully realized the gravity of the situation and told me many times that he would grant a temporary reduction in rents provided that such depression continued a few years more. In view of the distressful situation, he afforded some relief to the *zemindars* and *talukdars* of Bengal by reducing the rate of damages charged on arrears of revenue from 25 per cent. to 2 per cent., as also on arrears of road cess and public works cess in some districts to the extent of 12½ per cent. But unfortunately the full amounts are again being collected ever since his sad demise. On the 21st February, 1933, I again introduced in this Council a motion for reduction of rents, but I withdrew it as the Government assured me of an amicable settlement. I am sorry to say that nothing has been done in this matter since the Hon'ble Sir P. C. Mitter breathed his last.

In accordance with the revenue survey *khatians* the amount of rent per acre has been fixed at a rate from Rs. 15 to Rs. 30. To prove this I have brought with me *khatians* Nos. 50, 53, 59 and 67, relating to the Juidandi Mauza within the Baskhali police-station. An acre of land of this description does not yield more than 20 maunds of paddy. Lands, having such high rents, were settled at a time when paddy sold at Rs. 3 or Rs. 4 per maund. But under the present market conditions, keeping aside half of this yield for the expenses of cultivation, the highest price that the remaining half (ten maunds) can fetch is not

more than Rs. 15. How is it then possible to pay a rental of Rs. 20 to Rs. 25 per acre? The result is, a large number of tenancies are being abandoned and are passing into the direct possession of Government.

The late Hon'ble Sir P. C. Mitter further stated that Government were prepared to consider the question of remitting the rent in particular cases if these were put up before the Government.

Unable to bear the heavy burden of high rents the tenants concerned with *khatians* Nos. 658, 660 and 662 in the Baskhali mauza within the Baskhali police-station surrendered their holdings on 4th April 1934, by registered documents. Then again owing to an unusual rise of salt water by far the greater portion of land belonging to the said *taluk* was completely abandoned. Petitions were submitted to both the Collector and the Divisional Commissioner of Chittagong for a remission of rent, but they rejected them without holding any local enquiry and without forwarding them to the Government.

On 9th August, 1933, Government's reply to my question No. 18 was that the price of foodstuffs having gone up after the cadastral survey, the rent was increased at the time of the revenue survey and that the revenue of the *Noabad taluks* in Chittagong was fixed at Rs. 9,49,585 in place of the previous amount which was Rs. 6,23,500. That is to say, the enhancement effected has been more than 50 per cent.

On 9th August, 1933, in reply to my question No. 16, Government informed me that the revenue of the *mahal* called Chhotachhanua, belonging to Babu Jogesh Chandra Roy, was enhanced from Rs. 3,574 to Rs. 8,974. The area of land in the said *mahal* is 2,067 acres. Previous to the revenue survey the *mahal* was valued at one lakh of rupees, but Government purchased it at the revenue sale for the nominal sum of Re. 1 only.

On 22nd August, 1933, in reply to my question No. 114, Government stated that for want of bidders at the time of revenue sale under Act XI, Government had to purchase at a nominal price of Re. 1 only the following *taluks* belonging to Soltan Ahmed Chaudhuri and the Poang Raj Estate:—

| *Taluk* No. | Area of land. | Revenue. | |
|---|---|---|---|
| | Acres. | Rs. | a. |
| (1) 23929 | 670 | 1,131 | 8 |
| (2) 34793 | 560 | 712 | 8 |
| (3) 493 | 143 | 688 | 12 |

On 1st February, 1934, in reply to question No. 30, Government informed the House that during 1931-33 in all 420 *Noabad jots* in the Kutubdia Khas Mahal Estate were sold by auction and as there were no purchasers for them, Government had to purchase 268 of these *jots*.

In the Cox's Bazar Khas Mahal Estate 1,277 *jots* were put up to revenue sale and Government purchased 910 of them. In the Satkania Khas Mahal Estate 398 *Noabad mahals* were similarly put up to sale and Government purchased 305 of them.

On 1st February, 1934, replying to question No. 32, Government stated that in 1933, 588 *Noabad taluks* were sold by auction owing to the lapse of a *kist* and in the absence of any purchasers, Government purchased 141 of them.

On 7th September, 1933, in reply to question No. 177, Government informed us that in the year 1932-33, 1,577 *jots* in all were put up to revenue sale. Of these Government had to purchase 1,101. Out of these 1,101 *jots* only 128 have been settled again. The reason for this had been stated to be the fall in the price of agricultural produce.

On 20th December, 1934, in reply to question No. 27, Government stated that in 1932 13,245 *mahals* in Chittagong were lotted up for sale. Of these 922 were put to auction, but there being no bidder, Government had to purchase 180 of them at a nominal price of Re. 1 each. In connection with this question it was further stated that during the last 30 years such situation had not arisen either in Chittagong or any other district.

On 22nd December, 1934, in reply to question No. 40, asked by Seth Hunuman Prosad Poddar, Government stated that even the estates under the Court of Wards management had experienced similar crisis.

From the reply which Government gave to Rai Munindra Deb Mahasaya's question it appeared that 205, 913 and 509 *Noabad taluks* in Bakarganj, Chittagong and Noakhali districts respectively were sold by auction in 1934 and that this further led to the sale by auction of a large number of *khas mahals*.

At the time of each *kist* innumerable *mahals* are being put to auction and purchased by Government at a nominal price of Re. 1 only. Moreover, the *mahals* thus taken possession of are lying idle for want of fresh settlement. Not only have the whole heirarchy of *zemindars*, *talukdars*, tenure-holders, etc., been impoverished, but the Government have also suffered heavy losses. In consequence of this many people are at present dying of starvation.

With the exception of Bengal, Government in every other province of India have moved themselves in the matter. On the 28th February last a resolution for 50 per cent. reduction in the land revenue was carried by 48 votes to 25 in the Burma Legislative Council. The Burma Government have accordingly reduced the rate of rents. On the 31st January last the Madras Legislative Council adopted a resolution supporting 25 per cent. cut in the existing rate of rents in respect of *raiyati* holdings. As a result, the Madras Government reduced the

rents. The Bombay Government, too, have granted temporary remissions of rent in some parts of Gujrat. At Delhi, by an order, dated the 8th February, 1934, Government made special provisions for the remission of revenue and Irrigation cess. Out of a total demand of Rs. 1,87,525 for 1933, Rs. 1,41,604 together with Rs. 37,067 being arrears of previous years have been remitted.

On 22nd August, 1933, replying to question No. 51 put by Mr. Maiti, Government stated that the Bengal Government would gradually reduce the amount of revenue. But, unfortunately, up till now Government have taken no action in the matter.

The Hon'ble Revenue Member and the Revenue Secretary paid a visit to Chittagong and learnt the miserable condition of the people at firsthand. I think the Settlement Officer apprised them of the increased assessment of rents and suggested a temporary reduction.

I hope my resolution will be accepted by the House and the Government alike.

**Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Sir, I rise to give my whole-hearted support to this resolution. I may inform the House that this resolution has been tabled to give relief to the tenants. Under the present system, out of the total assessment, 60 per cent. goes to the Government and the remaining 40 per cent. to the landlords as profit. The higher the assessment, the more will be the profit to the landlords. The resolution aims at reducing the assessment by 25 per cent.; so naturally the profit also will be reduced, and at the same time the tenant will be relieved to a great extent. If I remember aright, this resolution was moved by my friend the mover of this resolution during the last session, but for want of time it had not been discussed by the other members of the House. However, the Hon'ble Member in charge of Revenue got his chance to reply, and he said that in calculating the assessment the revenue officers did take into account the assessment of the previous three successive terms. He said that the average of two decades were compared and from that comparison a rate was fixed. But I am sorry to say that his information was not correct and the Hon'ble Member was misled by this wrong information. This is very regrettable. The Revenue Officers never take into account the assessment that is made previously. On the other hand, in determining the total valuation of the land they do so arbitrarily without any reference whatsoever to past rents. I may tell the House some facts from my own personal experience: our family has two temporarily-settled estates in Murshidabad. They were settled with my family for the last 60 years. Previous to the settlement operations the Revenue Officers used to call for the rent-roll at the time of resettlement. We submitted the rent-roll and the Revenue Officer fixed the

valuation at a higher rate arbitrarily, saying that they did not place much faith or reliance on the rent-rolls submitted by us. Sir, on the last occasion, after the settlement operations were over, and after the record-of-rights had been prepared and published the Revenue Officer did not call for the rent-roll because the rent-roll was embodied in the record-of-rights. All on a sudden he sent a notice asking me to send an agent to a certain locality where he would go for inquiry. On the day appointed an agent of mine went there but unfortunately the Revenue Officer was not there. After a few days it transpired that the Revenue Officer had increased the rent in the record-of-rights by cent. per cent.—all on a sudden. The tenants protested, but to no purpose. He said that the rent was too low and so he had increased it by 100 per cent. This is the way how these assessments are being done. The Revenue Officer resorted to such an arbitrary procedure, with the result that the tenants were ruined. They cannot pay rent fixed arbitrarily at a high rate and naturally their holdings are sold and of those who can afford to pay some have been reduced to great misery as a result of such rack-renting.

As regards temporarily-settled estates in Bengal there is no difference whatsoever between the revenue system prevailing in Bengal and in other provinces. Here these estates are settled temporarily with the landlords at fixed rents. In other provinces too estates are settled temporarily with the landlords. But I can show how the other provinces have tackled the problem of the revenue of the temporarily-settled estates; how much concession they have given on account of the present acute economic distress.

I will now take one by one some of the provinces and show what they have done in the way of remission of the Government's demand.

The Central Provinces Government in their resolution on this subject (from which I am reading)—

"Revenue has not been suspended merely on account of the fall in the prices of agricultural produce but in places where the crops were damaged on account of abnormal atmospheric condition, remissions and suspensions were liberally granted in accordance with the principles enunciated in Revenue Book Circular 1-9 contained in the Central Provinces Revenue Manual, Volume II. In accordance with these principles during the revenue year ending the 30th September, 1933, Rs. 2,246 lakhs have been remitted. Rs. 889 lakhs suspended out of the current demand and suspended arrears to the extent of Rs. 664 lakhs have been further suspended."

It may be further remarked that this concession has been confined not only to the affected tracts but has been extended to other tracts also and "instructions have also been issued to Revenue Officers to make collection in a sympathetic manner."

With regard to the United Provinces I would like to point out that they have remitted to the extent of Rs. 13,71,000 of rent and Rs. 33,88,000 of land revenue and Rs. 9,00,000 in the way of water tax in the course of two years and the total remission in the course of three years is Rs. 17,00,00,000.

The following concessions in the shape of remissions in rent, land revenue and water rates owing to economic depression are granted:—

| | | Remission in— | | |
|---|---|---|---|---|
| | | Rent. | Land revenue. | Water rate. |
| Year. | | Rs. Lakhs. | Rs. Lakhs. | Rs. Lakhs. |
| 1930-31 (1338 *Fasli*) | .... | 145·13 | 43·5 | 8·42 |
| 1931-32 (1339 *Fasli*) | ... | 410·75 | 113·06 | 9 |
| 1932-33 (1340 *Fasli*) | ... | 407·92 | 112·90 | Nil. |
| 1933-34 (1341 *Fasli*) | ... | 407·92 | 112·90 | Nil. |

Coming to the Punjab—

"The Punjab Government have given most careful consideration to the effect of this depression on the ability of the *zemindars* of the province to pay the Government's demands in respect of land revenue and other miscellaneous charges

As regards land revenue, the remission has been in 1932 Rs 1,35,00,000 and 90 lakhs by way of *abiana*, etc. Moreover, after careful consideration, the Punjab Government decided to sanction for these affected areas remission at rates varying from annas 2 to annas 4 in the rupee so that the total effect of this concession is estimated at Rs 2,31,00,000.

Further, the following are the details of the remissions of land revenue made by the Punjab Government for the current *rabi* harvest in the various districts named—Sheikhpura, Rs. 1,52,055; Gujrat, Rs. 52,402; Shahpur, Rs. 2,23,197; Lyallpur, Rs. 8,84,550; Jhang, Rs. 5,822; Multan, Rs. 1,78,449; Muzaffargarh, Rs. 51,051, and Nili Bar Colony, Rs. 73,878.

The chief *rabi* crops are wheat, gram and *toria*.

The difference between the wholesale prices prevailing on 26th May (1934) and the commutation prices assumed at the last settlement where found to differ to an extent justifying the grant of special remissions in these districts.

The amounts sanctioned have been placed at the disposal of the Deputy Commissioners concerned for distribution where it is most

necessary. This is additional to the relief granted in the Lower Bari Doab Colony in the Multan and Montgomery districts, where a special remission amounting to 30 per cent. of the demand has been given under the operation of the sliding scale of assessment recently introduced."

In the resolution of the Assam Government on this subject, it has been said that rents vary according to the conditions prevailing in the districts and the remission there has been approximately Rs. 15,00,000. In paragraph 3 of that resolution the Government said: "In September, 1933, the position would be again reviewed to see whether it was necessary to extend a further reduction in land revenue, and it has been decided by the Assam Council that a reduction of annas 8 in the rupee upon the demand for land revenue should be given in 1933-34. That Government have decided firstly that it is necessary to continue this temporary reduction in land revenue inasmuch as the economic condition has not improved, and secondly that it is fair and proper to continue the concessions at the same rate and on the same terms as were prescribed in 1932-33.

At the same time it is realised that in certain parts of the province, notably in Cachar and in some of the Jaintia Parganas, local calamities have aggravated the general economic depression, and in such areas Government will not hesitate to suspend or remit revenue under the ordinary rules, when required, in addition to the general reduction announced above."

The Burma Government too have given concessions from one-sixth of a rupee to annas 8 in the rupee according to the varying condition in the districts. The Bombay Government also have given similar concessions for the last three years—

"The Government of Bombay after considering carefully the situation arising out of the continued low level of prices of agricultural produce with a view to deciding whether any concessions in land revenue similar to those granted in the last three years should prove necessary, have concluded that the situation requires concessions this year also. They have accordingly directed that the collection of land revenue dues during the current year should be regulated in the following manner:—

*Northern Division and Bombay Suburban District.*

(i) In no district of the Northern Division, and in the Bombay Suburban District should more than one year's assessment be levied except in cases where the arrears are unauthorised. The special suspensions given during the last two years in the rice tracts should be remitted.

(*ii*) In certain areas specified below, in which rice is the principal crop and in which the settlements are of recent dates, a further concession by way of remission of annas three in the rupee is to be given."

My friend has already quoted what the Madras Government have done, but unfortunately the Government of Bengal have not done anything. On the other hand, the revenues of the temporarily-settled estates have been increased from year to year. I may here quote from the Annual Administration Report of the Revenue Department to the effect that in 1928-29 the revenue for temporarily-settled estates was Rs. 22,59,000, but the revenue for 1929-30 was Rs. 23,82,000, that is, an increment of more than one lakh, and for 1930-31 it was further increased Rs. 25,52,000; so all these figures clearly show that instead of a decrease in the revenue from the temporarily-settled estates, it has been increasing by leaps and bounds. Moreover, according to the principle adopted by Lord Curzon's Government and sanctioned by the Secretary of State, temporary estates should be settled for 30 years and profits from them should be 50 per cent, but, Sir, unfortunately in Bengal this principle has not been adopted. Here in Bengal only 35 to 40 per cent profit is given and the estates are settled temporarily for 10 to 15 years only. Whereas in the United Provinces and other provinces the settlement is made for 30—50 years and the profit also is fixed at 50 to 60 per cent. So all these circumstances go to show that the Bengal Government have not done anything, in spite of the fact that there is so much acute distress prevailing in the province. I would therefore appeal to the Hon'ble Revenue Member to go into the question and make a thorough inquiry into the condition of the tenants in every district and investigate whether it is a fact or not that acute distress prevails among the *raiyats* preventing them from paying at a higher rate and then come to a decision as to what should be the attitude of Government with regard to the remission of land revenue owing to such economic distress.

It may be said by the Government that the cost of survey would be so much that they cannot undertake the general survey. But I may point out that the Bombay and other Governments have done so. How could they manage to do so? They have surveyed district by district and fixed the rate of remission of varying rates according to conditions prevailing. If it is possible for them to make an inquiry like this, why will it not be possible for the Bengal Government too? The Government is going to introduce to-morrow some taxation measures on the lines of the Bombay Government. If this principle be followed, the Bengal Government should follow the other principles of Bombay with regard to remission of taxes and rents. It is not justifiable to adopt the principle of taxation and give the go-bye to their principle when the question of remission would come. There should be some

consistency in following the example. I appeal to the Hon'ble Member most earnestly to look into the matter from this point of view. With these words, I commend the motion to the acceptance of this House.

**Maulvi ABDUL HAKIM:** Sir, I beg to support the resolution moved by my friend Haji Badi Ahmed Chowdhury. Paddy is consumed as a food crop and does not give us money, and it is jute only which brings money in our hands to pay rents and meet other necessary expenses. For the last 25 years, from 1905 to 1930, the price of jute was on the increase and it was only for such increased price during this long period that the rents of tenants were increased by leaps and bounds not only in these estates or *khas mahals* in Chittagong but also in other jute-growing districts of the province. Some people may say that rent was increased not on the standard of jute price but on that of the price of rice. But it is needless to say that in Bengal, especially in East Bengal, the price of rice goes hand in hand with the price of jute. The average price of jute was no less than double the present price when the rents of these estates were enhanced. So for the sake of fairness and equity the rates of rent should be lowered far more than 25 per cent. as my friend has proposed, and it would be meet and proper if the rates of rents are decreased to the extent of at least 50 per cent. Our Government are also aware that rents were remitted to the extent of 50 per cent. or so in other provinces such as the Punjab, the Central Provinces and the United Provinces when the crisis was very acute, but alas! our Government have not even dreamt of such remission in our province. It is true an unforeseen catastrophe has befallen Bihar as a consequent of which loans have been given there with a fair and equitable rate of interest, viz., 4½ per cent., but I can affirm that the fall in the price of jute here in Bengal has been no less a catastrophe than that which happened in Bihar. The Hon'ble Member-in-charge of Revenue has probably no idea as to the pitiless manner in which the arrear rents are being realised from the tenants and to what horrible sufferings the tenants are being subjected in these hard days for realisation of rents. The dwelling houses even are being pulled down by landlords with the help of elephants mercilessly for small arrears of rents quite incompatible with the real value of the holding, when practically a sort of *monantar* is going on throughout the country and the Hon'ble Member-in-charge of Revenue could not but shed tears if he could witness such horrible scenes. I have seen that some unfortunate sufferers have been taken to begging, having been deprived of their dear lands for ever. In the year 1931, when the crisis was very acute, I saw a sufferer eating raw potatoes and when I asked why he was eating them raw, he instantly replied that by eating raw potatoes, he could control his hunger for a longer period than he could by eating boiled potatoes.

As to the low price of agricultural produce, I have heard that brinjal sells 5 or 6 seers a pice now in certain places in the district of Nadia. From this fact you can better imagine to what deplorable extent the prices of agricultural produce have fallen. I learn that revisional survey has been started this year in certain temporarily-settled estates in Mymensingh and other districts. In this connection I earnestly remind the Hon'ble Revenue Member of the economic calamity that is still prevailing in the country and hope that for humanity's sake he would exert his utmost to make a substantial reduction in the rental of the temporarily-settled estates and maintain this reduced rental till the prices of agricultural products come to the normal condition.

**Nawab MUSHARRUF HOSAIN, Khan Bahadur:** Sir, I want to be very brief, as I want to hear from the Hon'ble Member-in-charge what he has got to say with reference to the arguments which have been advanced. So far as Chittagong is concerned, Maulvi Abdul Hakim has put his case exceedingly well before us and before the Hon'ble Member, and that case does not require any further support from me. My friend, the Raja Bahadur of Nashipur, has put before you what other Governments have done in the matter of remission of rent. I would however simply add that the condition of the Jalpaiguri district is similar to that prevailing in other parts of the province. From the reports that were read the other day, we came to know that road cess amounting to Rs. 76,000 could not be realised from the tenants there, and so the district board is suffering from want of funds. That shows the condition of the people there. Unfortunately, just about a year ago a new settlement was made and by that settlement the rent was increased by about 50 per cent. From my personal knowledge, I can tell you, Sir, that the people of Jalpaiguri can barely pay the present revenue, and my information is that not more than 35 per cent. of the present rent is being collected there. That being the case, I would appeal to my hon'ble friend in charge of the Revenue Department to consider whether the enhanced rent that has been assessed can be brought into force. Further, I can tell him this much that when there was a conference of officials and non-officials in respect of the settlement of rent which was then going on, I said very bluntly at the conference that so far as we were concerned, we were simply receivers of rent and that we were receiving 35 to 40 per cent. out of the collections as our profit. The enhanced rent cannot be realised. We have to pay the present rent from other sources. For God's sake do not increase the rent, although as an effect of that increase we get an additional income. We are actually the beneficiaries in the matter of enhancement, but we do not want that enhancement, as our people cannot afford to pay any further enhancement after meeting their other expenses. So we say, Please do not enhance our profit. We are

prepared to reduce our profit even. All the *jotedars* stated at that conference that they did not want this enhanced profit, as the poor tenants could not afford to pay more. That is the position I am putting before the House and the Hon'ble Member-in-charge and he may do what he likes.

**Mr. HASHEM ALI KHAN:** Sir, in according my wholehearted support to the resolution moved by Haji Badi Ahmed Chowdhury, I wish to make a few observations. I think hon'ble members know that there are vast tracts of *diara* and *khas mahal* lands which are temporarily settled in the district of Bakarganj including the Sunderbans and that the vast majority of the settlers there are persons who are declared by the law of this country to be aboriginal tribes and as such cannot alienate their property. They are generally *Mughs* and are gradually leaving the district and going back to their native places in the Arakan and Burma.

Regarding the *khas mahal* lands when the Hon'ble Member-in-charge of the Revenue Department paid a visit to the district some time back he received many deputations from the tenants and cultivators who submitted their woes to him. I myself saw the Hon'ble Member of the Board of Revenue—Mr Sachse—who visited the place about six months ago. We waited on a deputation before him and one of our prayers was for the suspension of the enhanced rent for 15 or 20 years. The Hon'ble Member-in-charge of the Board of Revenue was pleased to say that he had recommended the suspension of further assessment owing to the economic crisis, but Government were not pleased to accept his recommendation. I think the House will be surprised to learn that quite recently in the Barguna Estates Nos 5007 and 5008, where a survey had taken place, the *kanungo* had enhanced the rent at the rate of 6 annas per rupee. On appeal to the Settlement Officer the rate has been reduced to 5 annas and 3 pies. I think the aggrieved party will come forward and move Government. As we all know the poor tenants cannot meet their daily wants. The price of paddy has fallen to a great extent. In previous years, by selling a maund of paddy, a tenant could pay his landlord's fee, but now even by selling 3 maunds he cannot get sufficient to pay his rent, not to speak of the enhanced rent. In view of these circumstances some Provincial Governments and even some of the Native States have remitted one or two years' revenue. I cannot understand why our Government are so cruel and harsh to the poor tenants. I do not want to waste the time of the Council any further, but would appeal to the Hon'ble Member-in-charge of the Revenue Department to kindly look into the real state of things prevailing in the *diara* and *khas mahal* lands and find out some means of alleviating the distress.

**Maulvi ABDUL HAMID SHAH** spoke in support of the resolution in Bengali.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I do not think I shall be able to finish my speech in ten minutes.

**Mr. DEPUTY PRESIDENT:** Am I to understand that you want to defer the reply to some future date?

**The Hon'ble Sir BROJENDRA LAL MITTER:** Yes, Sir; I should prefer it.

**Mr. DEPUTY PRESIDENT:** All right; you can reply on the next day fixed for the dicussion of resolutions.

## Adjournment.

The Council was then adjourned till 3 p.m. on Tuesday, the 12th February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 12th February, 1935, at 3 p.m.

**Present:**

MR. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 111 nominated and elected members.

## STARRED QUESTIONS

**(to which oral answers were given).**

### Facilities for Jumma prayers in the Government educational institutions.

***1. Haji BADI AHMED CHOWDHURY:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that Muslim officers in Government offices are allowed a stated period to absent themselves to say their Jumma prayer on Fridays?

(*b*) Is it a fact that similar facilities are not given to Muslim teachers, students and employees of the Government educational institutions including the schools, colleges and also the medical schools and colleges, the engineering schools and colleges?

(*c*) If so, are the Government considering the desirability of taking steps in the matter?

**MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque):** (*a*) Yes.

(*b*) No. Similar facilities are given in Government institutions under the Education Department.

(*c*) Does not arise.

**Maulvi SYED MAJID BAKSH:** Will the Hon'ble Minister be pleased to state whether he is aware that the Sibpur Engineering College is run by the Education Department?

**The Hon'ble Khan Bahadur M. AZIZUL HAQUE:** Yes.

**Maulvi SYED MAJID BAKSH:** And that such facilities are not given there.

**The Hon'ble Khan Bahadur M. AZIZUL HAQUE:** No; such facilities are given.

**Maulvi SYED MAJID BAKSH:** Is the Medical Institution at Chittagong run by the Education Department?

**The Hon'ble Khan Bahadur M. AZIZUL HAQUE:** No. All medical institutions are run by the Medical Department.

**Maulvi SYED MAJID BAKSH:** Will the Hon'ble Minister offer such facilities to these institutions by methods which are of course better known in Government Departments?

**The Hon'ble Khan Bahadur M. AZIZUL HAQUE:** I plead want of jurisdiction.

**Building for the Munsif's Court, Dacca.**

*2. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it will be possible for the Government to finance early the building construction of the Munsif's Court in Dacca? If so, how soon?

(*b*) Is the Hon'ble Member aware that the present rented buildings, situated at a distance from other civil courts, have been causing inconvenience to the litigant public?

**MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir John Woodhead):** (*a*) Not in the near future.

(*b*) Yes.

**Maulvi SYED MAJID BAKSH:** With reference to (*b*) when the Hon'ble Member recognises that there is a difficulty why no attempt was made to get over it?

**The Hon'ble Sir JOHN WOODHEAD:** We shall get over it if the Hon'ble Member will find the money.

**Rai Bahadur SATYENDRA KUMAR DAS:** Where is the Munsif's Court going to be located when the lease expires?

**The Hon'ble Sir JOHN WOODHEAD:** I must ask for notice.

**Process-serving agency.**

*3. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state what steps, if any, are being taken for the service of summonses and notices in civil cases through registered postal service or through union courts?

(*b*) Is the Hon'ble Member aware that a system of taking illegal gratification exists when such summonses and notices are served by process-servers of civil courts?

**The Hon'ble Sir JOHN WOODHEAD:** (*a*) These methods of service were considered and it was decided that they were unsuitable. Therefore no steps have been taken.

(*b*) Government are not aware of any systematic taking of illegal gratification. Isolated instances are dealt with by local officers when brought to their notice.

**Rai Bahadur SATYENDRA KUMAR DAS:** With reference to (*a*) what are the reasons which led them to consider that those methods were unsuitable.

**The Hon'ble Sir JOHN WOODHEAD:** I am afraid I cannot give the information. I must ask for notice.

**Civil disobedience prisoners.**

*4. **Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state how many civil disobedience prisoners are still in Bengal jails?

(*b*) Are the Government contemplating their release soon? If not, why not?

**MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid):** (*a*) 17.

(*b*) No. Six of the prisoners were convicted in a case under section 302/34, Indian Penal Code, (in the Chechua Hat case), eight are reported to be connected with local revolutionary parties, and as regards the other three, the local Government are satisfied that their release cannot be accomplished without danger to the peace of the districts to which they belong.

**Mr. NARENDRA KUMAR BASU:** With regard to the eight persons who are reported to be connected with local revolutionary parties, how long have they been in prison?

**The Hon'ble Mr. R. N. REID:** I cannot give the answer straight off, but I shall give it to the hon'ble member if he comes to me afterwards.

**Mr. NARENDRA KUMAR BASU:** So far as these eight persons are concerned, will it be correct to say that they have been in prison for a considerable time?

**The Hon'ble Mr. R. N. REID:** I cannot even say that straight off. It depends on what the hon'ble member regards as considerable time. But I think, it is not, though I cannot be definite about it.

**Mr. NARENDRA KUMAR BASU:** Are these eight persons the inhabitants of the same locality or they belong to different localities?

**The Hon'ble Mr. R. N. REID:** I must ask for notice.

**Mr. NARENDRA KUMAR BASU:** Are the local revolutionary parties with which these eight persons are reported to be connected, still in existence?

**The Hon'ble Mr. R. N. REID:** I have no doubt they are.

**Mr. NARENDRA KUMAR BASU:** With regard to these eight persons are the Government satisfied that they are really connected with local revolutionary parties?

**The Hon'ble Mr. R. N. REID:** Yes, Sir.

**Mr. NARENDRA KUMAR BASU:** If that is so, why was it not stated in the printed answer?

**The Hon'ble Mr. R. N. REID:** It is possibly an error in the wording of the answer which I have put right in my answer to the supplementary question.

**Mr. P. BANERJI:** With reference to (*a*), is it also an error that 17 has been printed for 70?

**The Hon'ble Mr. R. N. REID:** I have given the answer and I stand by that answer.

**Detenu Bhudeb Prosad Sen of Kalihati.**

*5. **Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact—

(*i*) that *detenu* Bhudeb Prosad Sen *alias* Nani Sen of Kalihati in the Tangail subdivision is now interned at Kaligunge in the Jessore district;

(*ii*) that he was originally granted a monthly allowance of Rs. 45; and

(*iii*) that his allowance was cut down to Rs. 35 in September, 1934, and to Rs. 30 only in November, 1934?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for this progressive reduction?

(*c*) Is the Hon'ble Member aware—

(*i*) that the aforesaid *detenu* comes of a very respectable family and has been used to live in comfort; and

(*ii*) that when he was convicted in 1930 he was placed in Division I?

(*d*) Are the Government considering the desirability of increasing his allowance?

(*e*) Is it also a fact that his allowances are not regularly remitted to him?

(*f*) Is it a fact that he was on hunger-strike on two occasions? If so, why?

(*g*) Is it a fact that the *detenu* has been suffering for some time past from troubles in his eyes and that the Civil Surgeon of Jessore recommended a change of eye-glasses?

(*h*) If the answer to (*g*) is in the affirmative, have proper glasses been supplied to him?

**The Hon'ble Mr. R. N. REID:** (*a*) Yes.

(*b*) All domiciliary allowances are revised from time to time and Government, after considering all the circumstances of the case, decided last November that Rs. 30 was adequate for him.

(*c*) (*i*) Government's information is that he comes of a family of small taluqdar.

(*ii*) He was placed in Division II in 1930.

(*d*) No.

(*e*) No complaint has been received to this effect.

(*f*) Yes, because he wanted a larger allowance.

(*g*) Government have received a petition to this effect.

(*h*) The matter is being enquired into.

**Dr. NARESH CHANDRA SEN GUPTA:** Have the Government got any information about his annual income on the basis of which the answer is based?

**The Hon'ble Mr. R. N. REID:** Yes. Government have certain information about the annual income which is reported to be collected by him.

**Dr. NARESH CHANDRA SEN GUPTA:** What is the definition of a small talukdar as given in this answer?

**Mr. PRESIDENT:** Are you really serious about this question, Dr. Sen Gupta?

**Dr. NARESH CHANDRA SEN GUPTA:** I want to know Government's idea as to what constitutes a small talukdar.

(No reply.)

**Dr. NARESH CHANDRA SEN GUPTA:** With reference to (*f*), is it not the fact that he went on hunger strike because the allowance which was granted to him was not sufficient for his requirements?

**The Hon'ble Mr. R. N. REID:** I have replied that he went on hunger strike because he considered the allowance not sufficient.

**Dr. NARESH CHANDRA SEN GUPTA:** With regard to (*h*), what time do the Government expect to take before they decide to supply him with the eye-glasses?

**The Hon'ble Mr. R. N. REID:** I am afraid I cannot say how long it will take.

**Eden Canal.**

*8. **MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether it is a fact that the charges of the Eden Canal for irrigation purposes have been raised from Rs 2-12 to Rs. 3-8 per acre?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Member aware—

(*i*) that many tenants have ceased to utilise canal water for irrigating their lands; and

(*ii*) that many acres of land are lying waste?

(*c*) Are the Government considering the desirability of reducing the rate to enable the tenants to utilise canal water for irrigating their lands in this time of prevailing economic distress?

**MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin):** (*a*) They have been raised from Rs. 2-4 per acre to Rs. 3-8.

(*b*) (*i*) and (*ii*) No.

(*c*) No.

**MUNINDRA DEB RAI MAHASAI:** With reference to (*b*) (*i*) (*ii*) what is the source of his information?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** The actual acreage this year has increased. So it is obvious that there has not been a decrease.

**MUNINDRA DEB RAI MAHASAI:** With reference to (*c*) what are the reasons for the enhancement of rate? Is profiteering the policy of Government?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Originally we could not guarantee a full supply of water from the Eden Canal. But after the improvement of the Damodar Canal we can guarantee a full supply of water and in order to make the rate uniform with the Damodar Canal areas we have increased it.

**Maulvi ABUL KASEM:** In view of the fact that the district of Burdwan with an area of 3,000 sq. miles is paying a revenue of Rs. 31,00,000 while Dacca with the same area is paying a revenue of Rs. 4,00,000 only———

**Mr. PRESIDENT:** What is your question?

**Maulvi ABUL KASEM:** Considering this fact why is the water rate charged from the Eden and the Damodar Canals so high? Is it not also a fact that these two canals have been constructed simply because the lands which were fertile in Burdwan had been rendered fallow on account of the action of Government?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** If the water was not available from the Eden and the Damodar Canals the lands would not have yielded any crops and whatever money the inhabitants have, is due to this water supply; Government had financed the scheme and at least it should be self-supporting.

**Maulvi SYED MAJID BAKSH:** When was this increment made?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sometime in the beginning of the season.

**Dr. NARESH CHANDRA SEN GUPTA:** Has the enhanced rate been introduced because the condition of the cultivators of Burdwan has considerably improved?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** No. As I have already said the scheme must be self-supporting. Government have already spent crores of rupees over the Damodar scheme.

**Dr. NARESH CHANDRA SEN GUPTA:** Do I understand that the scheme must be self-supporting even if the condition of the cultivators becomes worse?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** The cultivator gets a fair return after paying the enhanced rate.

**Mr. NARENDRA KUMAR BASU:** Was this alteration of rate placed before the Irrigation Standing Committee?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** No.

**Mr. NARENDRA KUMAR BASU:** Is it not usually the practice to do so in regard to the alteration of rates?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I want notice.

**Mr. NARENDRA KUMAR BASU:** Has the Hon'ble Member read the printed replies which he has given here and do they contain———

**Mr. PRESIDENT:** That is not a question.

**Mr. NARENDRA KUMAR BASU:** Does the Hon'ble Member feel triumphant that the rate has been increased from Rs. 2-4 to Rs. 3-8 and not from Rs. 2-12 to Rs. 3-8?

(No reply was given.)

### Mr. Cecil Parker, Assistant Colliery Manager, South-East Baraboni Colliery.

*7. **Mr. W. L. ARMSTRONG:** (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that Mr. Cecil Parker, an Assistant Colliery Manager, employed for eight years at the South-East Baraboni Colliery, was arrested on Thursday, the 6th April, 1933, and told that he was implicated in a dacoity at Nawapara;

(*ii*) that the Chief Mining Engineer and the Colliery Manager Mr. Parker's immediate superior approached the D. I. P. and S. P. O. and offered bail to any reasonable amount stating that they believed strongly in the man's innocence;

(*iii*) that application for bail was made and refused in the Subdivisional Officer's Court;

(*iv*) that for several days Mr. Parker was detained in jail before an identification parade was held;

(*v*) that a further application was made to the Subdivisional Officer by a pleader on the 12th April, 1933, when Mr. Parker was granted bail for Rs. 2,000 on his own and two pleaders' signatures;

(*vi*) that Mr. Parker was summoned to Court on the 27th April, kept there from 6 a.m. till noon, but not called up to give evidence or charged;

(*vii*) that he was summoned again on the 11th May, 25th May, and 6th June, 1933, with like results, and on the 20th June, 1933, was discharged, ignorant of the nature of any charge made against him by the police;

(*viii*) that Mr. Parker took the humiliation so much to heart as to make himself unfit for work and that he accordingly lost his appointment and was out of employment for some time;

(*ix*) that there is a feeling amongst the European community in that district at the arrest and detention of this innocent man?

(*b*) Will the Hon'ble Member be pleased to state why bail, offered by two of Mr. Parker's superior officers in Subdivisional Officer's Court and to the Commissioner of Burdwan, was refused?

(*c*) Are the Government considering the desirability of taking immediate steps to investigate into this matter and to take disciplinary action against the officers responsible?

(*d*) Are the Government also considering the desirability of the payment of suitable compensation to Mr. Parker?

**MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid):** (*i*) Mr. Parker was arrested on the 6th April, 1933, in connection with four dacoities.

(*ii*) and (*iii*) Several petitions for bail were moved and rejected.

(*iv*), (*v*) and (*vi*) Yes.

(*vii*) Yes. He was summoned on different dates and was not included in the charge sheet submitted by the police.

(*viii*) Government have no information on the subject.

(*ix*) Government are not aware of any such feeling.

(*b*) It was a non-bailable offence and there was a judicial confession of a co-accused supported by other suspicious circumstances.

(*c*) and (*d*) Do not arise.

**Maulvi SYED MAJID BAKSH:** Was not charge-sheet submitted in regard to the other co-accused?

**The Hon'ble Mr. R. N. REID:** Yes.

**Maulvi SYED MAJID BAKSH:** Was there the same evidence against all the four accused?

**The Hon'ble Mr. R. N. REID:** I have not the least idea.

**Maulvi SYED MAJID BAKSH:** Will the Hon'ble Member be pleased to enquire whether there were evidences in other cases which might properly justify a charge-sheet being submitted against him?

**The Hon'ble Mr. R. N. REID:** I see no reason why I should.

## UNSTARRED QUESTIONS

**(answers to which were laid on the table)**

### Persons suffering from contagious diseases travelling in Eastern Bengal Railway suburban trains.

1. **Rai Bahadur Dr. HARIDHAN DUTT:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware—

(*i*) that the third class compartments of railway carriages of the Eastern Bengal Railway in the suburbs of Calcutta are often infested by persons suffering from infectious and contagious diseases who travel without tickets to solicit alms; and

(*ii*) that no practical steps are being taken in the local stations to enforce the Railway Standing Order preventing access to such persons?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of having effective steps taken in the matter?

**MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John WOODHEAD):** (*a*) (*i*) and (*ii*) No. So far as Government are aware, whenever any person on railway premises, whether with or without a ticket, is discovered to be suffering from an infectious or contagious disease, action is taken in accordance with the Rule. The attention of the staff is, however, again being called to the matter.

(*b*) Does not arise.

**Rai Bahadur Dr. HARIDHAN DUTT:** Is it a fact that a large number of these people suffering from infectious diseases come into the stations all along the line?

**The Hon'ble Sir JOHN WOODHEAD:** I have no information on that point.

**Rai Bahadur Dr. HARIDHAN DUTT:** Is there no special arrangement from preventing these people from coming into the platforms?

**The Hon'ble Sir JOHN WOODHEAD:** I am not in a position to answer that question but I suggest it does not arise out of the main question. The main question referred to persons travelling by train.

**Rai Bahadur Dr. HARIDHAN DUTT:** Is it not the presumption that they enter the platform in order to board the train?

**The Hon'ble Sir JOHN WOODHEAD:** Not necessarily. I do not think it can be said that everybody who enters a platform intends to travel by the train.

### Process-serving establishment.

2. **Maulvi ABDUL HAMID SHAH:** With reference to the reply to unstarred question No. 19, dated the 20th December last, will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the main object of the enquiry;

(*ii*) the general recommendations made by the special officer; and

(*iii*) the recommendations of the Hon'ble High Court in the matter?

**The Hon'ble Sir JOHN WOODHEAD:** (*i*) Reorganisation of the Process-serving establishment including the office peons and the night watchmen.

(*ii*) and (*iii*) Government are not prepared to publish them at present; they are still under consideration.

### Detenu C. L. Shroff.

3. **Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether *detenu* C. L. Shroff is still under restraint or is under the surveillance of police?

(*b*) If the answer to (*a*) is in the affirmative, what are the reasons?

(*c*) Is the Hon'ble Member aware that he has definitely given up the political activities for the time being from the 15th August, 1932?

(*d*) Is it not a fact that he has been under restraint from the 29th April, 1930, up to now, i.e., over four and half years without a definite charge and proper trial?

(*e*) Are the Government proposing to bring a definite charge against him or to release him unconditionally?

(*f*) Is it a fact that in a petition sent by him on the 30th July, 1934, he expressed his views strongly against terrorism and violence and stated that his sole concern was with the legitimate labour movement?

(*g*) If the answer to (*f*) is in the affirmative, is there any information in the hands of the Government to the contrary?

**The Hon'ble Mr. R. N. REID:** (*a*) He is no longer under restraint.

(*b*) Does not arise.

(*c*) No.

(*d*) He was held under restraint from the 29th April, 1930, to the 7th February, 1935 when he was unconditionally released, save for a period of 7 months in 1932 when he was a convict.

(*e*) Does not arise.

(*f*) Yes.

(*g*) Does not arise.

**Dr. NARESH CHANDRA SEN GUPTA:** Do I take it that this detenu was released unconditionally after my question was received?

**The Hon'ble Mr. R. N. REID:** *Post hoc* but not *propter hoc*.

---

*Statement laid on the library table in compliance with the promise made by the Hon'ble Member for Marine in the reply to clause (d) of unstarred question No. 11, put by Mr. R. Maiti on the 18th December, 1934.*

(1) Government of Bengal, Marine Department Resolution No. 102 Mne., dated the 18th January, 1935,

(2) Report of the Special Court of Enquiry investigating into the circumstances attending the sinking of the I. S. V. "Manoung" on 7th June, 1934, and

(3) List showing the casualties.

## GOVERNMENT BUSINESS

### LEGISLATIVE BUSINESS.

**The Hon'ble Sir JOHN WOODHEAD:** Sir, before the Council proceeds to the next item of business, may I crave your permission to make a statement? If you permit me I propose in the statement to explain the financial position of the province and deal with the reasons which have led Government to place certain taxation measures before the Council.

**Mr. PRESIDENT:** I am sure the Council would very much like to hear the Finance Member on such momentous matters. He has my permission to make that statement.

**The Hon'ble Sir JOHN WOODHEAD:** Thank you, Sir.

Sir—

1. The Council is well aware of the financial history of the province since 1921, of the millstone which the financial settlement, called the Meston Settlement, placed round our necks, of our endeavours to obtain redress of the injustice done to the Province by that settlement, and of the degree of success which has so far attended our efforts to obtain for the Province an equitable settlement under the new constitution. I do not, therefore, propose to go into those matters to-day except to assure the House that we have not relaxed, and shall not relax, our efforts to obtain under that constitution the full measure of what we consider Bengal can justly claim—a financial settlement which will redress the injustice of the past and render possible the expansion of those constructive services, the proper development of which has been rendered impossible by the persistent financial difficulties of the last 14 years.

2. What I have to deal with to-day is the position created by the Central Government and Legislature in March last, when they decided, subject to a certain condition, to give to Bengal, in advance of the new constitution, a grant equal to half the net proceeds of the export duty on jute grown within her boundaries. They did this because they recognised that our financial position under the present settlement was rapidly becoming unmanageable, and because they recognised that it was impossible for us under that settlement to put our house completely in order by our own unaided efforts; and, in order to enable themselves to do it, they raised additional revenue for the Centre by means of an excise duty on matches. They made, however, one important stipulation. It was this: that the grant would not be paid unless it was established, to the satisfaction of the Government of India, that the Bengal Government and Legislature were doing all that was possible to help themselves. The Hon'ble the Finance Member to the Government of India on more than one occasion, during the debates on the Budget and on the Matches (Excise Duty) Bill, laid stress on this condition. May I quote one passage from his budget speech? "If we are prepared to ask the Central Legislature to support us in raising funds to help Bengal, we can fairly claim to be satisfied that the Bengal Government and Legislature are doing all that is possible to help themselves. Everything I have to propose is subject to this condition." Those were clear words, and it is certain that they played a determining part in persuading the Assembly to come to our assistance. The

question whether we are doing all that is possible to help ourselves is still awaiting an answer; and we have to face it in all seriousness at this session.

3. Now, Sir, what is the financial position of the Province as disclosed by the Budget Estimates for the year 1935-36? The Budget Estimates will not be published till they are presented to the Council on the 22nd of this month, but I have, Sir, with your permission, circulated to members of the House a summary of the figures at present available. These show that, excluding our share of half the proceeds of the jute duty, the excess of expenditure over receipts on revenue account will be Rs. 228 lakhs. The grant on account of the jute duty is estimated at Rs. 158 lakhs; so the gap that will remain after receipt of half the jute duty will be Rs. 70 lakhs.

4. If I may, I would like to digress at this point and compare this figure of Rs. 228 lakhs with the corresponding figure of the revised estimates for the year 1934-35. The corresponding figure is Rs. 181 lakhs. The difference between this figure of Rs. 181 lakhs and the figure of Rs. 228 lakhs for the year 1935-36 is Rs. 47 lakhs. Of this sum of Rs. 47 lakhs, Rs. 44 lakhs is accounted for by items which may be described as inescapable. These items are:—

Rs. 17 lakhs on account of the restoration of the 5 per cent. cut in pay,

Rs. 1¼ lakhs on account of an increase in interest charges,

Rs. 10 lakhs on account of the reduction and avoidance of debt; this payment was held in abeyance during the years 1933-34 and 1934-35,

Rs. 5 lakhs for the preparation of electoral rolls,

Rs. 5 lakhs representing an increase in the additional expenditure thrown on the province by the terrorist movement,

an increase of Rs. 3¾ lakhs on account of superannuation and pension charges, and

an increase of Rs. 2 lakhs in the expenditure from the Central Road Development account and from the proceeds of our own taxes on motor vehicles.

As regards the first of these items, the restoration of the cut in pay, the Council is aware of the announcement made by the Government of India that the emergency cut of 5 per cent. on the pay of the All-India and Central Services will not be continued beyond the 31st March 1935. The local Government considered carefully the situation created by that announcement and came to the conclusion that it is impossible to justify treatment of services under their control different

from the treatment accorded to the All-India and Central Services. This is the reason why the local Government have restored the 5 per cent. cut in pay.

5. The position therefore is that, allowing for the receipt of half the jute duty, we are faced with a deficit of Rs. 70 lakhs, and the question we had to ask ourselves was, what steps was it possible to take to decrease still further this gap of Rs. 70 lakhs. When a Government is faced with a deficit, in order to effect adjustment it must either reduce its expenditure or increase its taxation, or do both. Now, let me examine the question of retrenchment. To what extent have we adopted measures for the reduction of expenditure? In my budget speech last year I analysed the effect of the measures we had taken, and that analysis showed that, on a true comparison of the expenditure on revenue account in 1933-34 with that in 1929-30, the aggregate reduction in expenditure effected was no less than Rs. 94½ lakhs. The proposals of the Retrenchment Committee, which as the Council knows was appointed in the year 1932 and submitted its report towards the close of that year, have been exhaustively examined during the last two years. Last year, in March, I supplied the members of the Council with a statement showing the decisions taken by Government up to 31st January 1934 on the recommendations of that Committee. The statement has been brought up to date by the issue of a supplementary statement, of which members of the Council have been supplied with copies. According to those statements the ultimate savings in expenditure effected by the measures advocated by the Committee which Government have accepted, amount to Rs. 88 lakhs. Of course, as the Committee itself recognised, the adoption of these measures will not effect an immediate saving of this amount. As an instance of this I would refer the members of the Council to the estimated saving in expenditure consequent on the promulgation of revised rates of pay for the services and posts under the rule-making power of the provincial Government. Rules have been issued revising the scales of pay for the majority of those services and posts, and the ultimate saving is estimated at Rs. 45 lakhs, but as those revised scales apply only to persons who may be classed for my present purpose under the term of new entrants, the full benefit of these new scales of pay will not accrue till after the lapse of about 23 to 25 years. This question of retrenchment has been fully explored both before and after the receipt of the report of the Retrenchment Committee, and on a review of the situation Government are of opinion that measures have been adopted wherever retrenchment was possible without seriously affecting the efficiency of the administration.

6. I now turn to the question of additional taxation. We examined this matter both generally and with particular reference to the measures taken in other provinces. The question of the possible

sources of additional taxation which, under the existing constitution, are available to the Provinces was authoritatively examined by the Statutory Commission and again by the Percy Committee, and the conclusion reached on both those occasions was that there is no new source of provincial taxation which is likely to yield in the immediate future a substantial addition to provincial revenues. The local Government share that view, but their examination showed that, while it would not be possible to fill entirely the remainder of the gap between expenditure and revenue by additional taxation, it would be possible to adopt measures which, while so framed as to avoid imposing any further burden on the really poor man, would reduce that gap to a considerable extent.

7. The taxation measures which we have decided to place before the House are—

The Bengal Electricity Duty Bill, 1935.

The Bengal Tobacco (Sales Licensing) Bill, 1935.

The Court Fees (Bengal Amendment) Bill, 1935.

The Indian Stamp (Bengal Amendment) Bill, 1935.

The Bengal Amusements Tax (Amendment) Bill, 1935.

It is difficult at the present moment to frame an exact estimate of the amount of money we shall get by means of these Bills, but the additional revenue we expect in a full year is Rs. 24½ lakhs.

The Electricity Duty Bill provides, subject to certain exemptions, for the levy of a surcharge of 6 pies per unit of energy on electricity used for the purpose of lights and fans. The more important exemptions are two. The first is one designed to protect the small consumer, the poor man, and takes the form of an exemption in favour of consumers who do not use more than 12 units in any one month. The second is one in favour of Tramway Companies and all places or premises in which any manufacturing process is carried on save in respect of premises used for residential and office purposes. Legislation on the lines of this Bill has been in force in the Presidency of Bombay since the year 1932. The surcharge in Bombay is also 6 pies per unit of energy.

The Bengal Tobacco (Sales Licensing) Bill requires licences to be taken out for the sale of tobacco, but expressly provides that cultivators of tobacco may sell the produce of their own cultivation without taking out a licence. The fees which it is proposed to levy are very modest: wholesale licences—Rs. 6 per annum, retail licences—Rs. 3 per annum, and hawkers' licences—Re. 1 per annum. Similar measures are already in force in the Presidency of Bombay and the Punjab.

The Court Fees (Bengal Amendment) Bill provides for higher court-fees than those now levied on Probates, Letters of Administration

and Succession Certificates when the value of the property or the amount of the debt exceeds Rs. 2,50,000. The rates in the Bill have been in force in the Presidency of Bombay since 1932.

The Indian Stamp (Bengal Amendment) Bill provides for an increase in the rates of certain stamp duties, and the Bengal Amusements Tax (Amendment) Bill provides for the imposition of a tax on tickets of admission costing more than 3 annas. At present tickets not exceeding 8 annas are not liable to a tax.

8. Sir, taxation proposals are never popular and I fully realise that the measures which I shall ask the Council to take into consideration constitute no exception to that general rule. But I would ask the House to consider calmly the situation which will arise if our demands are refused; and in this connection I would remind the House that the grant voted last year by the Legislative Assembly was for the year 1934-35, and that the renewal of the grant for the year 1935-36 is within the discretion of the Central Government and the Central Legislature. As I have explained, the grant of half the jute export duty was voted by the Legislative Assembly on the distinct understanding that the Bengal Government and Legislature are doing all that is possible to help themselves. If the Council refuses to impose the modest amount of additional taxation provided for by these Bills, can we, particularly having regard to what has been done in other provinces, reasonably expect the Central Government and the Central Legislature to be satisfied that we on our part are doing everything that we possibly can to improve our financial position? And if the Central Government and Legislature are not so satisfied, what will be the result? Shall we not be in great danger of losing for this year an addition of over Rs. 1 crore, for next year Rs. 1½ crores, and Rs. 1½ crores for the following year also, if the new constitution does not come into force till early in 1937? There are times when nations and individuals labouring under a sense of injustice are tempted to adopt a desperate course of action, but it is seldom that such action is not followed by bitter regrets. We in Bengal are suffering under what is now admitted to be an inequitable financial settlement, but I hope the members of the Council will not allow that fact to lead them to a course of action which I feel sure they will later deeply regret.

9. Again, Sir, I would ask the Council to consider what will be the effect of the rejection of our proposals on the position as regards our accumulated deficit. We have claimed—and it is a claim we still maintain—that, as it has been recognised that Bengal's difficulties are due to an inequitable settlement, an adjustment should be made to cover the excess of expenditure over receipts on Revenue Account that has accumulated since 1930-31. If the Council refuses our demands, and we lose the assistance afforded us by a grant equal to half the jute

duty, our accumulated excess of expenditure over receipts on the date of the inauguration of the new constitution will, owing to the loss of that assistance, be greater than it would otherwise be by at least Rs. 2½ or 4 crores according as the new constitution comes into operation in 1936 or 1937. Will it be possible for us to maintain that those Rs. 2½ or 4 crores of our accumulated deficit were entirely due to the present inequitable settlement? Is there not the danger that the answer of those whose duty it will be to examine our claim may be on these lines? The Centre imposed additional taxation and thereby placed itself in a position to help Bengal; the Centre offered Bengal assistance to the extent of approximately Rs. 1½ crores a year, provided Bengal satisfied the Centre that she was doing everything possible to help herself; Bengal refused to impose a modest amount of additional taxation, refused to do what has been done in some other provinces, and thereby lost the assistance which the Centre was ready to give her; Bengal cannot claim that her accumulated deficit, in so far as it is the consequence of her failure to avail herself of the assistance offered by the Centre, is due to difficulties arising out of the Meston Settlement; Bengal therefore has no claim to an adjustment in regard to this portion of her accumulated deficit. And might I remind the Council that interest charges even at 3 per cent. on a debt of 2½ crores amount to 7½ lakhs and on one of 4 crores to 12 lakhs?

10. Members of Council will remember that the Joint Select Committee approved of the proposal, made in the White Paper, that a financial enquiry should be held at the last possible date before the new constitution actually comes into force. This financial enquiry will be of the utmost importance to Bengal, for on the result of this enquiry will depend our success in obtaining an equitable financial settlement for this Province. At the time of this enquiry we shall have to press once again our whole case for financial justice. The future welfare of the Province will depend largely on the degree to which we succeed in convincing the persons entrusted with the enquiry of the merits of our claim; and I trust all members of the House will agree that we should not at this juncture do anything which may react unfavourably on the presentation of our case during that enquiry. I do not propose to deal at any length with this aspect of the case, His Excellency the Governor placed it prominently before us in his address yesterday. But may I say just this? Our task to secure in the financial field what we consider Bengal can justly claim is not an easy one. I am sure every member of this House recognises that fact, and I would appeal to all not to adopt what I would describe as a diehard attitude towards our proposals for additional taxation. I am convinced that a refusal to utilise those additional sources of taxation which are undoubtedly available to us, and which have been availed of by other provinces,

to improve our present financial position will create an atmosphere less favourable to our claims, and will make our task all the more difficult. Surely, it will be unwise for us at this moment to endanger in any way the future welfare of the Province.

## The Bengal Electricity Duty Bill, 1935.

**The Hon'ble Sir JOHN WOODHEAD:** I beg to introduce the Bengal Electricity Duty Bill, 1935, to levy a duty on electrical energy consumed for lights and fans in Bengal.

The Secretary then read the short title of the Bill.

**The Hon'ble Sir JOHN WOODHEAD:** I beg to move that the Bengal Electricity Duty Bill, 1935, be referred to a Select Committee consisting of—

(1) Mr. Narendra Kumar Basu,
(2) Babu Jatindra Nath Basu,
(3) Rai Bahadur Satyendra Kumar Das,
(4) Khan Bahadur Maulvi Emaduddin Ahmed,
(5) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,
(6) Mr. D. Gladding,
(7) Khan Bahadur A. F. M. Abdur-Rahman,
(8) Rai Sahib Sarat Chandra Bal,
(9) Mr. A. deC. Williams,
(10) Mr. F. T. Homan,
(11) Mr. A. R. E. Lockhart,
(12) Mr. S. W. Redcliff,
(13) Babu Profulla Kumar Guha,
(14) Babu Jitendralal Bannerjee, and
(15) the mover,

with instruction to submit their report by the 9th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, this Bill provides for a levy of a surcharge of 6 pies per unit of energy on electricity used for the purpose of lights and fans. It follows closely the legislation which has been in force in the Presidency of Bombay since 1932. The surcharge in that Presidency is also 6 pies per unit.

Following the Bombay Act the Bill provides for certain exemptions. If members of the House will turn to the Second Schedule of the Bill they will find that the first three items of that Schedule exempt Government, Railway administrations and local authorities except in regard to residences. Item No. 4 exempts Tramway Companies except in respect of premises used for offices and residences and item No. 5 grants a similar exemption to industrial undertakings, *i.e.*, premises in which any manufacturing process is carried on. Item No. 6 exempts entirely charitable hospitals and dispensaries and item No. 7 has been designed with the object of exempting the small consumer, *i.e.*, the consumer who uses not more than 12 units in any one month. And in this connection I would draw the attention of the House to the definition of consumer as given in clause 2 of the Bill and the second Explanation to the Second Schedule.

In regard to the standard of 12 units it may be of assistance if I try to explain what 12 units a month is equivalent to in terms of lamps and hours of burning. In the case of a metered supply no duty will be levied on a supply not exceeding 12,000 watt hours in any one month. The smallest (powered) lamp in common use is one of 20 watts and a simple arithmetical calculation will show that the adoption of a standard of 12 units will therefore permit the use of 4 such lamps for 5 hours per day throughout the month without rendering the user liable to duty for 4 (lamps) × 5 (hours) × 20 (watts) × 30 days equals 12,000. In the case of an unmetered supply no duty will be levied when the aggregate wattage of the lamps does not exceed 80.

I have not been able to obtain figures from all the electric supply companies in Bengal illustrating the proportion of consumers on their books who will be exempted by virtue of the 12 unit standard. But I have obtained figures—these are the only figures that have come in—from the Company at Kurseong, the Company at Berhampore and the Calcutta Electric Supply Corporation. According to the figures supplied by the Kurseong Company the percentage of consumers with a metered supply who will be exempted by the 12 unit standard is over 50 per cent. According to the figures supplied by the Berhampore Company the percentage is 63 per cent. That means in Kurseong 50 per cent. of the consumers will be exempted from the surcharge and in Berhampore 63 per cent. Within the area supplied by the Calcutta Electric Supply Corporation where the charge per unit is much less, the percentage of persons exempted is naturally much smaller; the percentage there is 8 per cent. But that does not take account of the persons who will be exempted by the application of Explanation 2 to the exception schedule of the Bill. It is expected that the application of this Explanation will have the effect of increasing the number of exempted persons considerably.

Now, Sir, this Electricity Duty Bill will no doubt be described by some as a bad tax, because they will maintain that it is a tax on progress. But, Sir, that is a charge which can be brought against many forms of taxation. Income-tax is a tax on progress and so are duties on petrol and kerosene. What I maintain is that it is not a sufficient answer to any proposal for additional taxation simply to say that it is a tax on progress. If it were, the sources of taxation available to a Government would be few indeed. Personally, I do not believe that the small surcharge, particularly in view of the exemptions provided for in the Bill, will hamper, to any appreciable extent, progress or development in the supply and use of electricity in the Province.

Again, take the Calcutta area: the rate charged for domestic consumers is 2½ annas per unit, and if the surcharge is added, the cost to the consumer becomes 3 annas per unit. Now, Sir, I believe that this rate of 3 annas will still be one of the lowest, if not the lowest in India; it will certainly be lower than the rates in Madras, Bombay, Rangoon and many other towns. In these circumstances, can it be said that a surcharge of half an anna per unit will seriously hamper progress or development in the Calcutta area? The Calcutta consumer will still be obtaining his electricity much cheaper than the large majority, if not all, of his fellow consumers in the rest of India. Further, with reference to the province outside the Calcutta area, take places where the rate is about 6 annas per unit: this is approximately the average rate in the mufassal. Let us examine the effect of the surcharge on a consumer whose bill is say Rs. 5 a month. Such a consumer uses approximately 12 units and the surcharge in his case will be 6½ annas. Is it likely that he will return to oil lamps because he will be required to pay 6½ annas a month more for his electricity? And, in this connection, I would remind members of the Council that in places where the rate is 6 annas, the exemption in favour of a consumer, who consumes not more than 12 units a month, will have the effect of exempting any consumer whose monthly bill does not exceed Rs. 4-8: in other words, generally speaking, the surcharge does not become operative outside the Calcutta area till the consumer's bill is more than this figure of Rs. 4-8 per month.

There is one point which has struck me as regards the user of kerosene oil *vis-a-vis* the domestic user of electricity. As members are aware, kerosene is subject to an import duty. In 1930 the import duty was 2 annas 3 pies per gallon, whereas to-day it is 3 annas 9 pies per gallon, an increase of over 60 per cent. Surely, Sir, when every user of kerosene oil without exception has been subjected to this further taxation, the user of electricity has not a serious grievance when he is asked to bear a small surcharge.

The estimated gross revenue is Rs. 10 lakhs. The cost of collection will be small because the surcharge will, except in the case of persons who generate their own electricity, be collected by the licensee.

Sir, I commend my motion to the House.

**Mr. PRESIDENT:** There are four amendments to be dealt with at this stage. I do not know if it would be possible to condense them all into one. They are all identical.

**Mr. SHANTI SHEKHARESWAR RAY:** Sir, when shall we get an opportunity to oppose the introduction of this Bill?

**Mr. PRESIDENT:** If a particular amendment is selected out of the four and is moved, you will have the opportunity not only to speak on that but also on the principles of the Bill. I think Mr. Basu's amendment is the best.

**Mr. NARENDRA KUMAR BASU:** Of course my amendment is the best so far as the date is concerned, but I think if my friend Mr. Banerji is allowed to move his amendment, we could all speak on the general principles of the Bill.

**Mr. PRESIDENT:** Do I take it that the intending movers of these amendments agree to adopt that course?

**Mr. SHANTI SHEKHARESWAR RAY:** But, Sir, we should like to know if we will be allowed to oppose the motion of the Hon'ble Member when discussing the amendment.

**Mr. PRESIDENT:** Why not? There will then be two motions before the House—the Hon'ble Member's motion and the amendment relating to the same. You will have an opportunity of discussing both together.

**Maulvi ABUL KASEM:** Sir, may I rise to a point of order? If the amendments are taken up at this stage shall we get an opportunity of rejecting the original motion of the Hon'ble Member?

**Mr. PRESIDENT:** Why not? But in accordance with our practice the amendments will be put first.

**Maulvi ABUL KASEM:** I know, Sir. But my difficulty will be this, that in that case we might not be able to vote on the substantive motion and get an opportunity of rejecting it, if possible.

**Mr. PRESIDENT:** Why not? In any case it is in my discretion as to whether the amendment or the substantive motion should be first put. I shall now take up Mr. P. Banerji's amendment and I take it that the other circulation motions will not be moved.

**Mr. P. BANERJI:** Sir, I beg to move, by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1935.

Sir, We were rejoicing when it was announced in the last session of the Council by the Hon'ble Finance Member, that there was to be a reduction in the electricity charges but this motion to impose a surcharge on the consumption of electric current has taken us completely by surprise. The simple reason is that although there has been a reduction of the charge by one pice after so much struggle we now find that there is going to be a surcharge of six pies upon the consumption of electric current. Last session, Sir, I tabled a motion for the constitution of an Advisory Board but the Government refused and objected. I suggested the name of the best of experts including the name of Mr. Redcliff who, I find, has recently come among us as an expert. This difference is a difference which lies between the Government and us on this side of the House and the Electric Company, that we are charged so very heavily. That enquiry was however not made but if that enquiry was made we could prove that it was possible to reduce the charge per unit to 2 as., so that Government could automatically impose the surcharge upon the electric company themselves. No case has been made out by the Hon'ble Member although he has given facts and figures that there is a large deficit and that if this state of things continues the Central Government will not give us any money. I say that the Central Government cannot do anything of that kind and if it is maintained by Government or by any member that the Central Government will not give us help of the jute duty and there will be a deficit of 2½ crores for years to come, or for two or three years till the new reforms come in, I say that it will be amply compensated by the money that we might get from other directions afterwards. No attempt has been made by the Government to bring about an equitable adjustment of the Meston Award with the Central Government, so that if we had that money earlier we could have done better. Now the Government say that unless we pass the taxation bills, how are we going to help ourselves? But I do not consider for a moment that by this means we are helping ourselves at all, *i.e.*, helping the people and the province of Bengal. You are rather helping yourself only and your officials at a time when it is very difficult for the poor people to keep their body and soul together and when the *bhadralogs* are the worst sufferers and your officers in spite of the fact that there is a 5 per cent. cut are living on butter and milk. And I

must say that there is still ample scope for reducing their salary even by 25 per cent. because things have become so cheap now-a-days. But, Sir, that will not be, for the Government know very well *how to butter their own bread.* That is the position, a position which cannot be maintained by any man whatever. Then, again, it is said that unless you help yourselves the Central Government will not do anything for us and a reference has been made in this Bill about Bombay. The Hon'ble Finance Member said in the last session that no further taxation was possible and they were groping in the dark as to how to balance their budget. But now they have found out that there has been such an Act in Bombay, but, Sir, the position of Bombay is quite different, and that is very well-known to the Hon'ble Member. Bombay has not got so many high-salaried Executive Councillors and Ministers. The Hon'ble Member also said that we should set our home right first, but what has he done to this end? He has done nothing whatever, and I suggest that a further reduction in salary may give us more than the 20 lakhs of rupees that these five Bills are expected to yield. But, Sir, they know how *to butter their own bread* and nothing in this direction will be done. That is the position, a position which is intolerable. I suggest that still 20 lakhs can be saved to the public by the abolition of one Hon'ble Member and one Hon'ble Minister, without impairing the efficiency of the administration. But if that is not possible, some other better arrangement is quite possible. But I consider that reference to Bombay is not necessary as Bombay has so many multi-millionaires. What have we got in Bengal? We maintain, Sir, that there is ample scope for further reduction in electric charges. A wonderful argument has been made use of by the Hon'ble Member that because some time ago there was an increase in the import duty on kerosene oil by 50 per cent. so this slight increase in electric charges is nothing to us; but that argument, Sir, I consider to be absolutely wrong. As it has been pointed out from this side of the House, often and often, we cannot pay any more taxation and it is impossible that if we do not raise new revenue the Central Government will not grant us any help. The position, Sir, is not so. We find in the new Government of India Bill that such grant is not in the hands of the Central Government but in the hands of His Majesty in Council. Section 137 of this Bill says "Notwithstanding anything in the preceding sub-section one-half or such greater proportion as His Majesty in Council may determine, of the net proceeds in each year of any export duty on jute or jute products shall not form part of the revenues of the Federation but shall be assigned to the provinces," etc. So, Sir, it is our legitimate due. When that news was given to us, namely, that half of the export duty on jute would be given to Bengal mine was the only dissentient voice then amidst general rejoicings. For to me it meant more wastage and more oppression. Now, Sir, this

threat is held out at us that the Government of India will not assist us with this sum, but I say, Sir, that we are going to get by statutory provision not only half but a greater portion of the duty of which we have so long been deprived and for which Government did not do anything so that we could have got ampler money and that earlier. But I must also say that there is a great deal of wastage of money in spite of the fact that it has been said by the highest authority in the land that everything is right now and that things are cooling down. I may now refer to the differences between the military and civil authorities and I may say that when a fight between one Mr. Cow of the military took place and the Commissioner asked the latter to go away there was a lot of trouble over this matter and the result was that, if there is a difference between the civil authorities and the military, the military is always predominant. This is the situation in this country and we believe that the expenditure on the military which is now not necessary in certain districts can be minimised; so there is no object in placing fresh taxation Bills only for 24 lakhs of rupees. If proper attention is given this money can well be found by reducing still further the salaries of Government employees. Therefore I consider that such measures like these should in the fitness of things be circulated for eliciting public opinion.

**Maulvi ABUL KASEM:** Mr. President, Sir, I do not approve of the motion of my friend Mr. P. Banerji for the circulation of the Bill and certainly I do not subscribe to what he has said in his speech. But all the same I rise to oppose the motion now before the House put forward by the Hon'ble the Finance Member and I do so with a full sense of responsibility. The treasury benches themselves have felt a little nervous about the introduction of these taxation measures. Long before the Council met an official communiqué was published in the press with an apology for introducing these taxes and to-day the Hon'ble Finance Member, the veteran parliamentarian and a man of extraordinary ability that he is, tries with all his experience and persuasion to convince us that these measures are unavoidable evils to which we must submit. I cannot claim either the possession of parliamentary tactics or his experience or his ability but as a man in the street I oppose the Bill. May I remind the House that on the inauguration of the Montague Chelmsford Reforms in this province, the people of the province were asked to submit and they submitted to fresh taxation and for what? Only to meet the ordinary expenditure of the administration and now on the eve of a new constitution being inaugurated, or I might say on the close of the old constitution which was introduced in 1920, we are asked again to tax ourselves and again to meet the ordinary expenses of the administration. I certainly admit the great foresight of the Hon'ble Finance Member

and his colleagues in introducing these Bills as it has been stated in the official communiqué and in the Hon'ble Member's speech that they touch the poorer classes the least but I regret to say that the poorer classes have already been taxed to the utmost limit before this. We have been told, Sir, that the Government of India and the Central Legislature can be generous enough and give us the grant amounting to half the export duty on jute on condition that we set our house in order. The Treasury Benches have, after a great deal of exploration and after exhausting all sources, found the way out by calling upon us to submit ourselves to fresh taxation, whether it falls on the heads of the poor or of the rich.

Sir, we have been told that the terms of the Government of India and of the Central Legislature were very definite and final; *i.e.*, unless we can show that we have done everything possible—until we have exhausted all our sources of taxation—shall the Government of India give us this jute tax. And we have been told in a very excellent and able speech by the Hon'ble the Finance Member that if we refuse to tax ourselves, the result will be more than disastrous, both now and in the near future, because the Government of India will flatly refuse to help us with the jute tax and our deficit will be of such an enormous amount that it would be almost impossible to carry on the administration.

(The Council was adjourned at this stage for 15 minutes.)

(After Adjournment.)

**Maulvi ABUL KASEM:** Sir, we have been told what the Government of India's terms were. In plain words, it was an ultimatum given to us by the Government of India to the effect that we must put our house in order, and the only way the Treasury Benches can conceive of putting their house in order is by imposing fresh taxation. Sir, as I have said—and I speak with a full sense of responsibility—that I am not blind to the fact that a deficit budget is a very dangerous thing—I may even call it a perilous thing.

Sir, Montagu Webb, speaking at the meeting of the Associated Chambers of Commerce, in Calcutta, once remarked that the Government could have a deficit budget; but if any man told him that he had a deficit budget, in his business firm, however small the deficit might be, he would tell the man, "Go thou Satan behind me." So, I would, also, say that if anybody suggested that there should be a deficit budget for any province or any Government, the man who advises it, should go to Satan.

Sir, there are other ways of removing the deficit than by putting a burden of taxation; we have been told that taxation is always unwelcome, and these taxation-proposals must be unwelcome as well.

But I fully realise that we must submit to taxation when there is really a need for it. I would not give an ultimatum but would say that we would be prepared to support Government in any measure of taxation, either to make up the deficit or to raise the necessary funds for any measure for the welfare and advancement of people, if we are convinced that the Treasury Benches have done all that is practicable for reducing the expenditure.

Sir, a retrenchment committee, known as the Mukherji Committee, sat as early as 1923, and they made certain recommendations for retrenchment. Their report has been, more or less, thrown into the waste-paper basket. At any rate, I remember this much that in that report it was unanimously recommended—and this Committee, if I remember aright, had some experienced members of the Indian Civil Service on it—that the posts of five Divisional Commissioners should be abolished, and abolished immediately. Nothing has been done during these fifteen years. The retrenchment committee which sat recently, of which my honourable friend the Minister of Education, was a member, also recommended the partial or total abolition of the posts of Divisional Commissioners. Government, in the pamphlet or the statement they have issued and of which we were favoured with a copy only yesterday, have definitely stated that they have considered this matter and have found it impossible to accept the recommendation. And why? The Government does not give any reason for not accepting the recommendations. I do not for a moment mean it to be understood that the attraction, financial or otherwise, of the posts in the Indian Civil Service should in any way be diminished, as it is there is not much attraction for British students and young men. What I suggest is that there should be no office of Divisional Commissioners, but that some selected Magistrates should receive the salary which is now given to the Commissioners. What is more we should have as Collectors and Magistrates such people as have got experience at their back, and that we should cease to have boy and baby magistrates with whose help the administration is being run to-day.

Sir, much has been said to impress us by the fact that it was in the year of grace 1932 that Bombay imposed these taxes, and that if Bombay could do it, why should not Bengal be able to do it? In the first place, when the Montford Reforms were introduced, Bombay did not tax itself; in the second place, Bombay has taxed itself because the Treasury Benches there have denied themselves the pleasure and the luxury of having a big and enormous Cabinet as we have here. If we are to follow the example of Bombay, as Mr. Banerji has said, let us have a Cabinet of 3 or 4 Members and Ministers and have taken other steps to reduce provincial expenses; then and then only you can come up for fresh taxation, and we shall be prepared to sanction that.

You have said that you have done everything that is necessary for retrenchment. I admit that you have certainly done something. But it is the retrenchment of some clerks or the reduction of the pay of some subordinate services, and things like that—which only seriously affects the efficiency of the administration, if there is any efficiency at all. I submit, Sir, that we cannot at the present moment submit ourselves to fresh taxation, unless we are convinced that the Treasury Benches are sincere and that they must first of all put their house in order and exhaust all avenues of retrenchment before they come up to us for fresh taxation.

Sir, although I am speaking on the Electricity Duty Bill, I would say that I am opposing it not on its merits but on principle. The time has come when we should cry "Halt" so far as taxation is concerned. We have been told by the Hon'ble the Finance Member—and we know it to be a fact—that a good deal of expenditure is due to the existence—if I may say so expansion—of the cult of terrorism in the province. We have been put to heavy expenditure on that account. With reference to that, Sir, I would say that for the suppression of terrorism or other unlawful activities of the people, Government have come to us for power and for funds on several occasions; and we have given them every power and the funds they asked for unstintedly and ungrudgingly. You may say that you have reduced the number of political murders from 90 to 14, but you cannot deny that the cult of terrorism has been stamped out. And, if, with all the power and funds that you wanted and which we gave, you fail to absolutely eradicate terrorism and the source of it, then you have failed in your capacity for administration, and, therefore, you ought to abdicate. That is my submission.

Then, Sir, it has been said that small consumers have been exempted from this tax. This tax does not fall on the poor people. But as it is an indirect tax, it must perforce fall on everybody resident in Calcutta or other towns, because by this taxation the public-utility services companies, who are particularly concerned with this Bill, will increase the cost all round—the incidence will be equally heavy on the poor as well as on the rich. The other taxes which will follow will, indirectly or directly, tax the poor. A statement has been made by the Hon'ble the Finance Member in which he referred to the financial position of the province. I admit, Sir, that some sort of taxation may be necessary———

(At this stage the member having reached the time-limit resumed his seat.)

**Khan Bahadur Maulvi ABDUL KARIM:** Mr. President, Sir, I also oppose the Bill on principle. It is very much to be regretted that the Hon'ble the Finance Member has thought fit to introduce the

Electricity Duty Bill and some other Bills for the purpose of imposing taxes, which will undoubtedly hit the already overtaxed people very hard. As all of you are aware, Sir, on account of heavy fall in the prices of agricultural products unprecedented depression, I mean economic depression, is prevailing all over the country. It would not have been at all unreasonable for people passing through such a crisis to expect relief from those in whose hands Providence has placed their destiny. In circumstances such as these, distressed people must have heard with bewilderment that far from devising means to mitigate their distress, Government has proposed to add to it by imposing fresh taxes in order to find funds to meet the huge expenditure of a top-heavy administrative machinery. The work that was done at one time when the Province of Bengal had a larger area by one officer, the Lieutenant-Governor, is now being done by no less than 10 highly-paid officers and a host of Secretaries and assistants. Is this not self-government with a vengeance? It may not be unreasonable to enquire if all the avenues of reduction in expenditure have been thoroughly explored, before thinking of crushing the already overburdened people with fresh taxation. As has already been remarked by the previous speaker, who referred only to one Committee, the Retrenchment Committee, I think within the last decade two such committees were appointed, and after long and careful enquiries and deliberations they submitted their reports with some definite and specific recommendations. Had all these recommendations been given effect to, I believe a couple of crores would have been saved, and this would have covered the whole deficit. In Bombay and some other provinces where there is no financial stringency, the size of the Cabinet or the emoluments of its members, or both were reduced, but in this Province, in spite of the presentation of deficit budgets for three successive years, it has not been thought necessary to do anything of the kind. On the contrary, it has been decided to restore the cut in the salaries of Government officers which had been imposed some years ago on account of financial stringency. How could it have been otherwise when some of the officers had themselves to decide their fate. Might I enquire if the circumstances that necessitated these cuts have now ceased to exist, if not, what justification can there be for removing these cuts, and with what face can the Government have recourse to fresh taxation to meet the huge cost of the administration? Would it not have been wise not only to continue for the present the cut in the salaries of Government officers who are not at all affected by the economic depression, but to curtail police and military expenditure in order to find funds for the mitigation of the distress of those who are the producers of the wealth of the country? The Government of India might have been justified in removing the cut in the salaries of its officers as it has been able to produce a balanced budget, of course by robbing

Bengal of its legitimate income from income-tax and duty on jute, for giving back a portion of which they have imposed very unreasonable conditions. But what justification has the Government of Bengal to remove this cut while they have or will shortly present a budget with a huge deficit? The Government may not mind the inequity of such action, but surely we have a duty to perform to our constituents whom we may have to face before long. We must not be wanting in our efforts to dissuade the authorities from pursuing the unwise course they have decided to pursue in spite of the vehemence of public criticism. I, therefore, Sir, strongly oppose the Bill which the Hon'ble the Finance Member has introduced.

**Babu JATINDRA NATH BASU:** Mr. President, Sir, there are certain features in the Bill which require that the matter should be carefully considered by the public before a measure like this is brought on the Statute book. Sir, amongst the exemptions that have been incorporated in this Bill we find industrial underakings, the Tramways Company and certain other consumers. Sir, so far as industrial undertakings are concerned, there are large consumers who receive a very substantial return on the capital outlay, and there is no reason why they should not be taxed. If the return is, say, more than 6 or 7 per cent., the State may very well ask that a little part of the return should be paid to the State in taxes. I find, that the taxation is limited to those only that make use of lights and fans, and that industrial undertakings are entirely excluded. For instance, if there are some private companies who conduct railways in this province, such as light railway lines, if they choose to electrify those lines, and if they get a good return, there is no reason why a charge should not be made on the consumption of electricity by such Companies. Take the instance of the Tramways Company. If the Tramways Company yields a return which may be considered to be a handsome return so far as market conditions are concerned, there is no reason why there should not be taxation on the consumption of electricity by the Tramways Company. In this respect, Sir, public bodies have been considering the matter and they require time to fully think out as to the extent to which ultimately consumers may be affected if these industrial undertakings are excluded. There is also another factor to be considered in connection with this Bill. It is well known that consumers outside Calcutta have to pay a higher rate per unit than the consumers in Calcutta. The Hon'ble Member has no doubt said that if the people take to kerosene lights, they will not save much, but those that conduct electrical undertakings in the districts outside Calcutta, know how difficult it is to induce people to take to consumption of electric current. The rates have to be higher there because in spite of lower overhead charges than in Calcutta it is impossible to

make both ends meet without raising the rate to a high figure, and it may kill undertakings for the spread of electrical energy in the districts if those that pay a higher sum than, say, 2½ to 3 annas per unit, are charged with this tax. There are these and several other matters that require careful consideration by the public because we do not want that enterprises for spread of electrical energy in the country-side should receive any discouragement by any action that this Council may take. All these things have to be carefully considered especially the exemption clauses which may make it impossible for the Select Committee to introduce amendments to modify exclusions. On these grounds, Sir, I support the motion for circulation of the Bill for public opinion. Instead of a very long time, a shorter date may be fixed. But it is necessary that the public should thoroughly understand what the Bill is aiming at and to what extent it will affect the people, especially those who are not in a position to pay.

**Mr. J. N. GUPTA:** I have listened with the greatest attention to the speech of the Hon'ble Finance Member introducing these taxation measures and the Bill on the electricity charge which is before us for discussion. Sir, I can assure him that we fully realise the seriousness of the situation and if we are persuaded that it is in the best interests of this Province that we should support the Finance Member, I am sure that support will not be denied to him. So far as I can gather, Sir, the reasons which have been given for the introduction of these measures of taxation in Bengal are threefold. The first is the obvious reason that there is a desire to cover, in however small a measure, the great gap which is left in our budget, the gap between our expenditure and our sources of income. The Finance Member has himself pointed out that even if you receive the subvention of one half of the Jute tax, still there will be a deficit of about 70 lakhs. These taxation measures will bring in, even according to the Finance Member's calculations, only about 24 lakhs, so therefore as far as this argument is concerned, it is not of a sufficiently convincing character. The more important reason which has been now assigned, and which also appears in the communiqué which Government issued some time ago, is that we have hardly any option in the matter because the Government of India and the Assembly in granting one-half of the Jute tax to Bengal laid it down as a condition that the province itself will do whatever it can to help itself, and unless India is satisfied that we have exerted ourselves to the utmost, it may be possible that this grant will not be continued in the future, at least till the time when the new Constitution comes into force. This is the second reason that has been assigned. A still more important consideration is placed before us. It has been pointed out that it is not only to strengthen our case in getting half of our jute tax that the proposed measures

are necessary, but when the question of the allocation of revenues to all the provinces is considered by the Committee which will sit before the Reforms are introduced, the case of Bengal will be seriously prejudiced if we are not able to show that the province has done all she could to help herself, and therefore we must support these measures if we want to get back not only half of the jute tax, but the whole to which we could legitimately claim before that Committee. I admit these are very serious arguments, but I would like the Hon'ble Member to consider—should we admit that the Government of India have any moral right to lay down such a proviso while giving back to us only a portion of the money the whole of which legitimately belongs to us? Does it lie with them after having appropriated no less than 50 crores from the jute tax alone from Bengal to come now and say that they are making a gift of half the amount of that to us on condition that we should carry out certain requirements? Although from the point of view of practical politics we may not have much choice in the matter, but in theory it is very difficult for one to bring oneself to agree to such a stipulation.

**The Hon'ble Sir JOHN WOODHEAD:** In theory you do not agree, but in practice what do you propose?

**Mr. J. N. GUPTA:** I fully realise that in theory we may be right but the practical position may be such that we may not have much choice in the matter. Now, are you going to give us any assurance that if we tax ourselves to the extent that you now require, there will be a guarantee that we will not only get back half of our jute tax but that when the Committee sit we will get the whole of it plus some share of the Income-tax which we can legitimately claim? Of course I can quite realise that it is not within the purview of the Finance Member to give us such an assurance, but I say that we will be justified in having some misgivings in proceeding to carry out our part of the stipulation without any definite guarantee that as a result full financial justice will be done to us. If the Government of India are not satisfied that great injustice has been done to this province not only for one or two years but for decades past—the province of which the revenue collection is the heaviest in the whole of India, the province which finds the largest share of the income of India, the province whose revenue per head is only Rs. 2 whereas in Bombay it is Rs. 8 and in Madras it is between Rs. 4 and Rs. 5—if these patent facts have not stirred the conscience of the Government of India, will the proposed measures succeed in moving their hearts? I hope they will. I only raise this point to show that we may surmise and hope, but what they are going to do we do not know and I have great misgivings about it.

All the same although I fully realise that we on our part should not fail to do whatever is possible, yet in deciding on measures of fresh taxation in Bengal, we should take into account the very severe economic depression through which this province is passing, especially the serious economic distress of the middle class people on whom the burden of this particular electricity tax will mostly fall? I say we have to take into account that aspect of the case also. I was particularly struck with the observations of my friend Maulvi Abul Karim who pointed out that Government should very carefully explore all other sources of possible revenue before coming forward with proposals for fresh taxation. He pointed out, and I am sure nobody feels it more keenly than the Finance Member himself, the awkwardness of his position in coming forward with the announcement that the 5 per cent. cut on the officials' salary will be restored from next year, at the same time when proposing these new taxes to be imposed on people who have a very negligible income and who will have to put their hands into their empty pockets to pay for the luxuries of the privileged servants of the Government. I am sure that is a position which should breed much thought in the minds of the authors of these taxation measures. Bombay might have resorted to some of their taxation measures, but I should like to point out that we have already done that before. This Province was the first to tax itself after the Chelmsford Reforms were introduced, in spite of the fact that the economic position of Bengal, was even then pitiable. In the illuminating speech that was delivered yesterday we heard the miserable plight of the agriculturists who are labouring under a heavy burden of debt which is almost unbearable. On the top of all that this unfortunate province has had to struggle against a menace, I mean the terrorist menace which is peculiar to this province. India might say that they are not concerned with that, but is it not the duty of the supreme Government to come to the rescue of a province which has special difficulties and a special case for consideration? I say it is their bounden duty. On these grounds I would be tempted to side with those members of the House who are for rejecting these measures altogether. But I say it is a very serious moment and we must be prepared to make sacrifices, not only we individually but also those whom we represent in this Council if it could be proved that such sacrifices were needed for the ultimate best interests of the province. Therefore, I am of opinion that although we might proceed with some of these Bills, not all, but it is absolutely necessary that they should go to the public for their opinion. My friend Mr. J. N. Basu gave two very cogent reasons why the Electricity Bill should go to the public for their opinion, the first and foremost reason being that while rich manufacturers who are making money and who pay specially cheap rates for their electricity will be exempted from this tax, the poor consumers, whose income is probably from Rs. 40 to Rs. 50 a month

will have to submit to this tax. Not only that, the struggling industries like the infant industry of cinema will be seriously handicapped. Then those who live outside Calcutta and who already pay a much higher rate for electric consumption have also to submit to this tax along with those who have to pay much lower charges. There are many other items in the Bill which require careful consideration, and although I reluctantly agree to the introduction of the Bill, I would very earnestly request the Finance Member to circulate the Bill for the purpose of eliciting public opinion.

**Mr. S. M. BOSE:** Sir, I propose to deal only with certain general aspects of the matter without going into details and to explain why I am opposed to all these five Bills. The reasons for the imposition of fresh taxation have been very clearly explained in the Government communiqué of the 28th January last and repeated to-day. These may be summarised as follows. In March 1934, the Central Legislature voted a grant to Bengal of one half of the net proceeds of the jute export duty on condition that the Government of India should be satisfied that the Bengal Government and Legislature are taking every possible measure to restore the financial equilibrium and that they are doing all that could be done to help themselves. So, it is said that the grant of last March was a conditional grant; it is also said that it is unlikely that a similar grant would be made next year except on the same terms. The Bengal Government has in a communiqué stated that everything possible has been done in the way of retrenchment, and so according to them the only alternative left is fresh taxation. It is said that the total reduction by retrenchment is over Rs. 94 lakhs, and by revision of the scales of pay for some of the minor services, an eventual saving of Rs. 45 lakhs per annum may be made. I may first observe that there is no proof that all possible attempts at retrenchment have been made. For instance, is there any reason why the salary cut should be now restored when there is this huge deficit of over 2 crores staring us in the face every year? It is believed that the number of Government servants is much more than what is required. For example, we have been told that about 12 sub-deputies have been assigned for jute propaganda without any serious impediment to Government work. I ask what were these officers doing so long? Evidently they had no work. Then it is believed that the pay of the services is undoubtedly high and should be cut down, having regard to the serious fall in the price of agricultural produce. Bengal, it must be admitted, cannot afford such an extravagant scale of pay, and it is the duty of the Government of India and the Government of Bengal to show that they have done all that is necessary to reduce the scale of pay before they can in all fairness ask us to tax ourselves. I beg to submit that the onus lies on them to prove this. I pause

here to meet an argument that may be urged against my contention and it is this: the matter of pay does not lie with the Government of Bengal: it lies with the Government of India. To that, I say that these Bills are being practically forced upon us by the Government of India and, therefore, Bengal can legitimately say to India that before we can ask the Legislative Council of Bengal to tax themselves, you and I must satisfy them that every possible step has been taken by us to reduce expenditure.

It would be admitted that there has been a great stagnation in trade. As the Hon'ble Member has pointed out in his budget speech, the prices of jute and rice are very low indeed; so I ask: is it the appropriate time for introducing taxation? Then is it wise, is it advisable, is it politic to do so? I ask why antagonise public opinion which is so strong against these Bills? Now that the Government is rightly trying to mobilise public opinion on its side, should Government do anything likely to help the agitators against our peace and safety? As regards the threat held out that unless we follow the example of Bombay, we are likely to lose the share of our jute export duty allotted last March. I say we are not afraid. We are, as of right, unconditionally entitled to the whole of the duty. Our claim to at least one half has been unconditionally admitted in the White Paper, in the Joint Select Committee Report and in section 137 (2) of the Government of India Bill, which says that one half, or such greater proportion as His Majesty in Council may determine, of the net proceeds in each year of any export duty on jute or jute products shall not form part of the revenues of the Federation, but shall be assigned to the provinces or Federated States in which jute is grown in proportion to the respective amounts of jute grown therein. In these circumstances it is impossible to conceive that Central Legislature will act with such a lack of sense of responsibilty as to refuse us this amount unconditionally. I say they have no right to impose any condition on what has been admitted by everybody to be our just share, that is to say, at least 50 per cent.; and nobody can impose any condition. We stand on our rights. Sir, that is a point of view which I submit with confidence to this House. It has also been admitted that Bengal, in its peculiar circumstances, has a right to special treatment. We claim our right, and we do not want any favour, any dole or any gift. We refuse to do anything at the bidding of anybody especially when that body has been, for over 14 years, ill-treating us and has been the cause of our present financial insolvency. We are also entitled, as we all know, to a share of the income-tax, that also is admitted in the White Paper, in the Joint Select Committee's Report and in clause 136 (*1*) of the Government of India Bill. My main point is that there is no room for further taxation and can quote the Hon'ble Finance Member in support of that view. In his own budget speech in

February, 1934, he said that the existing sources of revenue are inelastic and not capable till the price of jute and rice has arisen of yielding any substantial addition to our income. He went on to say—I quote his very words:—"as regards new sources of revenue we have the authority, if authority is required, of the Percy Committee who came to the conclusion that such new sources as appear to be within the sphere of practical politics in the immediate future cannot be relied upon to yield any substantial early addition to provincial revenues. I do not wish to suggest that under the present constitution there is no new source of revenue which can be tapped in order to improve our revenue position but what I do maintain is that there is no new source of revenue at present available which will yield substantial addition in any immediate future to our revenues." May I ask him what has happened in these 12 months to convince him that it is now practical politics to tap new sources of revenue which will yield substantial early addition to our revenue?

The reason for this change of view, I respectfully suggest, is pressure and threat from the Government of India.

**The Hon'ble Sir JOHN WOODHEAD:** I object to these words; there is no change of view.

**Mr. S. M. BOSE:** However, that is my suggestion. Let me in passing refer to the argument that the Bills are to be accepted as they have been drawn up so as not to affect the poor. Now, who are the really poor in Bengal? They are, I suggest, the *bhadralog* classes, who are not Government servants, who have been severely hit by the present depression, whose income has materially fallen, who have to maintain an outward show of respectability on an empty stomach, and who have got children to bring up and educate. It is they who rank largely among the real poor, not merely the labourers or the artisans who are, I think, much better off than the average *bhadralog*. I maintain that the Bill will severely affect the *bhadralogs*, labourers and artisans.

Sir, we are asked to follow the example of Bombay. May I, Sir, here remark, as one speaker has already remarked, that it was Bengal who did really lead the way to fresh taxation in 1922 and other provinces, including Bombay, have only followed our example? Is our Government quite sure that it has followed the example of Bombay? Has it retrenched as Bombay has done? Has it reduced the number of its Cabinet from seven to four, as Bombay has done? Is the Hon'ble Finance Member aware that the proposal of the Bombay Government to raise extra taxes by imposition of a succession duty was defeated in the Bombay Legislative Council in 1933-34? Is he aware that the Court-Fees Act as amended in Bombay in 1926 was

originally limited to two years, then to three years and then to four years? Well, let him follow the example of Bombay in every case. Sir, it is with a grave sense of responsibility that we have to oppose these Bills. Sir, I belong to a school of politics whose attitude towards Government is expressed by the maxim "support when we may and oppose when we must".

I have tried my best to accept the point of view so ably put forward by the Hon'ble Finance Member but I regret I am unable to induce myself to accept that position. With these words I oppose the Bills and I support the motion for circulation.

**Mr. W. H. THOMPSON:** Mr. President, Sir, nobody likes to be taxed; it is altogether too much like paying something for nothing. The Hon'ble the Finance Member in his press communiqué and in his speech to-day has put forward a logical argument, a mercilessly logical argument in support of his proposition but has made no attempt whatsoever to take the sting out of it. He now proposes to extract from the body of this House their assent to the Bills. But he makes no attempt to administer any sort of anæsthetics before commencing his operation. Yet I think he could have done so. I think he has, in a sense, he has administered an anæsthetic. We have heard a great deal of the people who are going to be taxed, but we have not heard from Sir John or from any other member, of the very much larger number of people who are not going to be taxed. Sir John Woodhead has mentioned that he has arranged so far as possible that the very poor should be excluded, but there are a great many more who are going to escape this taxation than the very poor. To begin with, he excludes all the cultivators and he is right in my opinion in these hard times in letting off the agricultural classes, although it must be remembered that one of the results of the Permanent Settlement in Bengal is that the cultivator in this province pays a good deal less for his land than in other provinces. And he has left out the landlords. While we were dealing with the revision of the death duties surely it would not have been difficult to have extended the death duty to cover landed interests as they are covered in every other country in the world. I am not suggesting, and I have never suggested, nor would I suggest, that the Permanent Settlement should be altered. Too many vested interests are involved in too complicated a fashion. Too much chaos would result. But I believe that the time has come when the Permanent Settlement can no longer be allowed to carry with it immunity for the landlords from all other forms of taxation. A death duty is a very easy tax to bear. It is like a tax on treasure trove. The heir still gets something for nothing less only what the Government takes. I believe even an *ad valorem* court-fee on mutations in the Collectors' Tauzi Rolls and Patni Register, could be made to yield a decent sum

but nothing of this sort has been included in these Bills (A MEMBER: Why not?) Sir, I will answer the question, "why not?" That is the anæsthetic, that is the sop for cerbetus. Now we may expect the landlords to be grateful to this Government for its present protection and to give it their support in taxing other people. Sir John has referred to the Government of India and to the Assembly. The reference is an essential part of his argument. He is looking and speaking not only to us but to the Assembly members. Now, Sir, when a member of the Assembly from another province asks himself, why is it that the revenues of Bengal are so poor, the answer he gives himself is the Permanent Settlement. Is it wise in the face of that member and his possible opinion, when Sir John was trying to give him the impression, that Bengal has done everything to help itself, to let the landlord off altogether? However it is done. It is, I think, a mistake. But, after all it does not vitiate Sir John's case—the case which he has put before the House.

Let me turn, Sir, from those who have escaped to those who are going to be taxed and draw your attention to what is the most noticeable feature of the incidence of these new taxation proposals. Nearly all the yield from the Electricity, Court-fees, Stamps and Amusements Tax Bills will come from Calcutta. I am not grumbling, Sir. I do not think Calcutta can grumble so long as such large sums are paid from the provincial revenues for the Calcutta Police, the Maidan roads and so on. I am merely drawing attention to the fact, Sir, that out of the yield of 24½ lakhs about 80 per cent. will come out of Calcutta alone. The poor mufassal about which we have heard so much this evening is hardly touched. I have ascertained, Sir, that something like half of the yield from the Electricity tax will be paid by Europeans. Again, Sir, I am not grumbling. You will find that both now and in future Europeans will be practical co-operators and will bear their part ungrudgingly in support of good government. I am merely drawing your attention to the fact that something like 30 per cent. of these new taxes will come out of the pockets of Europeans and I am asking you, Sir, to see in that fact a justification for the strength of our representation in this House and something more than a justification for the proportion allowed to us by the Communal Award.

Sir, as regards the motion to send these Bills to circulation, I submit that it is a very peculiar suggestion—more than peculiar, Sir, I imagine that it is without precedent in any legislature. Why do we send Bills for circulation? We do so when we have a matter before the House on which the House is not fully satisfied that sufficient investigation has been carried out, when it expects some new light to be thrown on the subject by the parties to whom the Bill is referred. Those to whom the Bills are circulated are expected to give their opinion

from their individual point of view. Now, if we refer these taxation Bills to the parties concerned, what may we really expect? Those who are going to be taxed will say that they do not want it: those who are not going to be taxed will not bother to reply. No possible advantage will be gained by circulation and the members who have supported these amendments know it. Against these amendments, Sir, I can assure Government of the support of our group.

As regards the substantive motion for reference of this Bill to Select Committee, we, some of us, may have suggestions to make in modification of the Electricity Bill when it comes up for consideration clause by clause. But, generally, Sir, we are convinced by Sir John's argument and accept the proposition that new taxation is necessary. But, Sir, personally I look not so anxiously towards the Government of India and the Assembly, who, as Mr. S. M. Bose just said, may not be expected to be as irresponsible as some of the speakers in this House would appear to be—I look not so anxiously towards the Assembly and the Government of India as I look towards that Financial Enquiry which is coming at the latest possible moment before the inauguration of the new reforms. Remember that it is to be an impartial enquiry. It is to be the first impartial enquiry on the subject of Federal and Provincial Finance that we ever had, and it is absolutely essential from Bengal's point of view that there should be full evidence before that enquiry that we are doing our best to set our house in order.

**Rai Bahadur SATYENDRA KUMAR DAS:** Sir, as a member hailing from a mufassal constituency, I feel it my duty to say a few words on this occasion as to how this Bill, if passed into law will affect the mufassal consumers as well as the mufassal electric companies. Although I freely endorse the views put forward by Mr. Bose, Sir, I would further submit that this proposed electricity surcharge will be a crushing burden not only on the consumers in the mufassal but also on Electric Companies operating there. In the mufassal Electric Companies are of recent growth, industries are slowly growing. The charges per unit of electricity in the mufassal is on the average more than twice of what it is in Calcutta and the average income of the consumers in mufassal is for all practical purposes less than one-fourth of the average consumer in Calcutta. So the entire situation boils down to this: Consumers with less than one-fourth the income of Calcutta consumers pay double the charges per unit already, and if on the top of this they have to pay a surcharge, it will mean to put the last straw on the camel's back.

Again, taking the figures of "unit" consumed in Calcutta, it is higher many thousand times than the "units" consumed in the entire mufassal put together. So if the Government is bent upon to impose a

surcharge, the main income will be from Calcutta; and leaving out mufassal will not appreciably affect the income from surcharge itself, whereas this relief will be a boon to mufassalites.

I would not advise the imposition of any surcharge, because this surcharge will put up the cost of our manufactures dependent on electricity but if it is imperative that the tax should be there, it should be in Calcutta alone where you have prosperous commerce and industries. With these observations I support the motion for circulation.

**Mr. ANANDA MOHAN PODDAR:** Sir, whatever might be urged in support of the new measures, I must submit that Bengal is not able to bear the burden of additional taxation at the present moment. The economic crisis through which our country is passing is most acute and has reached the bottom. This province is pre-eminently an agricultural country and the miseries of the people are mainly due to the abnormal fall in the price of jute, rice and other agricultural products. There is at present no sign of any improvement in the situation. Unless the condition of trade improves we cannot expect that our agricultural products will fetch better price in the near future. The disastrous effects of the crisis are to be found everywhere. The internal trade of the country is in a moribund condition. Debtors cannot pay their debts; tenants are reluctant to pay their rents to the landlords. There is distress and discontent prevailing among every section of the people.

Sir, Bengal is already heavily overtaxed and to levy fresh taxes on her people will be doing a grave injustice to her. Even the Meston Committee which perpetrated a grave financial wrong on the province were constrained to admit that considering Bengal's low scale of expenditure and an inelastic revenue, the contingency of new provincial taxation in the province was unthinkable. We know that Bengal's expenditure per head in 1929-30 (the last normal year before the advent of the present depression) was as low as two and a half rupees while that for Madras was over 4 rupees and that for Bombay not less than Rs. 8 and a quarter. It was also admitted by the Hon'ble the Finance Member in his budget speech in 1933-34 that the value of the two staple products of Bengal, *i.e.*, jute and rice, has fallen by approximately 122 crores of rupees. How can there be any justification, on the face of these facts, to impose further taxation on the people of Bengal?

Then, again the Government have no moral justification for imposing further taxes till they have satisfied the public that every step possible has been taken to apply the pruning knife in their administration. Whether you admit or not this administration is considered by the public as top-heavy. I think I need not remind the House that before the Reforms a much larger Bengal was governed by one Lieutenant-Governor with the help of the Chief Secretary and one or two more Secretaries and I think governed very efficiently. At the present moment

besides the Governor, we have got a cabinet of seven Members and Ministers, eight Secretaries, four Deputy Secretaries, Assistant Secretaries, Registrars and others. Sir, I don't deny that the work of the administration since the Reforms has become more and more difficult, but in spite of that I am of opinion that the Cabinet which we have at present is certainly a very extravagant one.

Look again at the expenditure of law and order. It has, of late, become too excessive and it is piling up year by year. We find in the coming year, it has been proposed to increase it by about 4½ lakhs. These are facts which make us pessimistic with regard to the efforts of the Government to satisfy the public demand regarding retrenchment. Sir, the labours of the Swan Committee are before us for the last two years. They recommended an ultimate cut to the extent of Rs. 1 crore and 85 lakhs; but we find the Government have given effect to a cut that will ultimately result in the reduction of about 45 lakhs though the present benefit therefrom is much less. On the other hand the Government of Bengal have thought it fit to restore the 5 per cent. cut of its officers. And to meet this demand the Government have now come forward with the proposal of burdening the already overburdened people with fresh taxation to the amount of about 25 lakhs. Sir, it is surely prudent to cut your coat according to your cloth. We are getting half of the jute tax this year. The Government of Bengal should have managed with this additional income and press for the other half as well as a portion of the income-tax.

Sir, it is not a fact that the new taxation will operate on the rich alone. They will also affect the poor and the middle class people who are faring very badly in these days of economic depression and financial stringency. The poor are already taxed on their daily necessities—such as post-cards, matches and salt. Now it is the turn of their tobacco and amusement—and we do not know where this policy of taxing the poor will end.

As for the tax on electricity it will retard the progress of growing electric supply companies in the mufassal. The industrial development of the country depends to a very large extent on the cheap supply of electric current and if in consequence of these taxes the electric supply companies cannot grow or flourish in the mufassal that will surely affect the growth of small industries in Bengal. Electricity plays a very big part in the development of modern civilization—it is being used for the purpose of education, sanitation, transport and other items of rural development—and in all parts of the world the tendency is to make it more and more cheap; but by these taxation measures we are going to make it more unacceptable to the public.

Sir, with these words, I oppose the motion of the Hon'ble the Finance Member for reference of the Bill to a Select Committee.

**Maulvi SYED MAJID BAKSH:** At the outset, Sir, I must confess that in this particular matter I am at one with the Hon'ble the Finance Member. If you will permit me, Sir, I shall mention the instance of Poland. Some time ago, I was reading the history of Poland, not the history of Poland of to-day, but of Poland of former years when she was a great Power. Then the constitution there was such that all the rich men formed a confederacy, and their sense of self-interest was such that whenever the question of any new taxation was raised, they all opposed it together, neglecting their defences, their finances, and the welfare of their people. The only thing with which they were concerned was whether any fresh taxation was going to be imposed upon them. As everybody knows, Sir, the result of that was that Poland after some time ceased to exist as a Power.

However much we might object to taxation, the system of administration that we want or that which is going to be introduced means taxation. The only consideration we should have in the matter is that the incidence of taxation falls on those that can bear it and not upon those on whom it will be a hardship. Sir, I must confess that this is the first time that I am inclined to support this taxation measure, because this is a taxation not upon the poor but upon those who enjoy all amenities of the present-day civilisation, the most important of which is electricity. Sir, we, the poor men in the districts and in the villages, do not know the benefits of electricity, and, as Mr. Thompson has pointed out, it will not touch the cultivators at all. Sir, being of a socialistic bent myself, I congratulate the new Socialist in the person of the Finance Member who has at last thought it fit to tax the rich men in preference to the poor man. Sir, I know that whenever the question of taxing the rich will arise, these people, though they have the power to shoulder the burden, will combine and raise all sorts of questions about the principles of taxation, but I shall not be a party to that. Sir, the ordinary and the primary duty of a government is to impose taxes; it is for that reason that it exists in order to find out ways and means as to how best to run the administration. I, therefore, differ not from any other point of view but from the point of view of ordinary constitutional theory from my friends on the other side. I knew that some objections would be raised by some of my friends because their districts, where there were proposals for introducing electricity, would be hard hit by the new taxation. In those cases, Sir, the Select Committee might very well insert a clause that for the first five years all new Companies will not be taxed. Sir, the major portion of this taxation will come from Calcutta, Dacca and other big municipal towns where electricity has been long in use, and the insertion of such a clause will not affect the taxation much.

Then, Sir, exemption from this tax will be granted to those who will consume 12 units or less of electricity in a month. I know that

those who do not use electricity do not understand what "this" means. This probably means that a person having a small house with four or five lamps burning up to half past ten or eleven at night will not be taxed. After all, rich men will be taxed. Sir, if the rich men do not stand by the side of the poor, society will become impossible. Sir, it is the poor man who produces wealth and gives its share to the rich. So the rich should give something out of his accumulated wealth to the poor at the time of need. Unless we have this redistribution of wealth, we will be faced with a situation such as I have just described.

In many matters, I have differed from Government. I must confess that a huge sum of money is wasted by Government in their craze to give effect to repressive measures, and in such matters I have always opposed Government. But when they want to replenish their already exhausted treasury, whatever might have been the cause of that depletion, their faults must be shared by all of us equally.

As regards the restoration of the cut in salaries, I do not know whether we have any control in the matter of this cut on the salaries of I. C. S. officers, though over the provincial and subordinate officers we have some control. But if we feel strongly in this matter, what is there to prevent us from tabling a motion to that effect and carrying it out? If you have the honesty of purpose, you can do that. Besides, if you want to have further retrenchments and cuts in salaries after the next Reforms, you can easily do that, and with the surplus money you can proceed with the work of the nation-building departments. If you can combine and form the government, that course will be open to you. But if you are divided amongst yourselves, you will never be able to do that.

Sir, my point is that I must give my support to this taxation Bill, especially as it is more or less a socialistic measure taxing the rich for the benefit of the poor.

**Dr. NARESH CHANDRA SEN GUPTA:** The Hon'ble Finance Member has, I am afraid, been suffering from an attack of nerves. And, Sir, the dose which has been administered to him by my friend Mr. Majid Baksh will, I am afraid, add new anxiety and a new source of nerves. Mr. Majid Baksh has called this measure a socialistic measure, because he thinks that this is a measure for taxing the rich for the benefit of the poor. Well, this accusation of socialism will perhaps send a cold shiver up the spine of the Hon'ble Finance Member. As I have started by saying the very foundation of these Bills lies in nerves. The Hon'ble Finance Member is nervous on account of the threat which was held out, or which was indicated by reason of the

condition attached by the Finance Member's speech in the Assembly, and the Hon'ble Finance Member is afraid that if we do not impose some taxation of some sort, even if it be an eye-wash, perhaps the half jute duty will not be given to us next year. That is his first apprehension. Then his next apprehension is that he will not be making a good show before the Financial Commission which will enquire into the question of finances on the eve of the coming Reforms, and that Bengal will not be able to show that she has been doing all that she could to put her house in order. I submit, Sir, that all these are very poor reasons on which to base a taxation measure solemnly before a legislative assembly. As against that, when you come to consider the real merits upon which alone the Hon'ble Members can be asked to vote, well we get a frank confession from Sir John Woodhead that he has nothing to say for it, because he repudiates the suggestion that he has gone back on his word, and has stultified himself in so far as he says now that there is room for taxation. He sticks to the opinion which he expressed before that there is no margin for such taxation as will yield any substantial revenue in the near future. Sir, if that proposition be true then what does this measure mean? It is a frank confession, that this measure has nothing to support it. Either it will not yield a substantial revenue, and that 24½ lakhs at which he very hesitatingly puts as the income, is altogether illusory, as I think it is, or that this imposition is an unnecessary burden and a hardship on the people of Bengal. Sir, I have never heard a poorer support by the Finance Member of a taxation measure than Sir John Woodhead has given. His only two reasons are: we have got to face the Government of India, and we have got to face the Finance Commission, and we have got to satisfy them that we have been doing something. Well, he says we have done something by way of retrenchment, a modest scheme of retrenchment has been adopted, and we are going to do something by way of taxation. Well, that ought to satisfy them. Sir, so far as the first of these apprehensions is concerned, I refuse to believe that the Legislative Assembly will be lost to its sense of responsibility so far as to refuse to give us a grant which has been conceded on the highest authority to be one which is due to us in fairness and justice, merely because we have not been able to impose some taxation on ourselves.

**Mr. H. S. SUHRAWARDY:** They did not give it to us for about 12 years.

**Dr. NARESH CHANDRA SEN GUPTA:** They did not give it to us for 12 years, but thanks to the Government of Bengal's persistance and thanks to their implicit faith in the justice of their case they have ultimately succeeded in getting the grant. They did not give it for 12

years, but now we have got the report of the Joint Parliamentary Committee, the White Paper and the Government of India Bill. In the face of that, would the members of the Assembly have the face to refuse us this grant on the plea that we have not imposed any additional taxation? We have imposed additional taxation, we did impose additional taxation, and have placed Bengal in a hopeless position———

(The Council was adjourned at this stage for 15 minutes.)

(After Adjournment.)

**Dr. NARESH CHANDRA SEN GUPTA:** Sir I have said that I am not afraid of the Legislative Assembly and we can take our stand on the justice of our case, and on that alone we can ask the Government of Bengal to take their stand and not go abegging to the Government of India on such flimsy grounds. Mr. Thompson also has said that there is nothing to fear about the Legislative Assembly. Supposing the Legislative Assembly refuses us this grant: well, we have done without it for 12 years and may do without it for one or two years more though it will add to the burden of our debt by 2½ or 4 crores. But, then the whole matter will come before the Finance Enquiry Committee. The hon'ble member has also said that he is afraid of the Finance Enquiry Committee. What is that Committee going to do? Will it take into consideration such trivial things as to whether Sir John Woodhead has introduced a taxation Bill or not? No. It will have to investigate the taxable capacity of the different provinces. It will have to investigate the actual financial resources of the different provinces. If we fail to pass the Bill to-day and the Finance Enquiry Committee is satisfied that these are revenues which Bengal can properly raise, I am sure the Finance Enquiry Committee will take that into consideration, and debit that, that is to say, in making the grant it will reduce the allotment by that amount. That is how they will proceed. They will proceed to examine the whole basis of taxation—how far taxation can proceed in Bengal—and probably if they enquire they will find other sources of revenue in Bengal than these. Sir John Woodhead is not afraid of facing the Finance Enquiry Committee. If he can face the Finance Enquiry Committee with those taxes which are possible taxes according to Mr. Thompson, he can as well face that Committee without these taxes which will yield a possible income of 24½ lakhs and which when it comes to actuality will be found to be reduced by half. I have already said that no attempt has been made to justify these taxes by reference to any recognised principle of taxation. On the contrary, I insist that these taxes, the electricity tax and other taxes, are bad in theory and bad in principle. Take the electricity tax. It has been said that it will

come out of the rich people and Sir John Woodhead has eloquently referred to exemptions of persons who use electricity. Well, they are not exactly the poor people who use the amount of 12 units of electricity, but they are exempt. But he has slurred over the exemptions of the rich—the industrial concerns, the tramways companies and other concerns. It will not do to probe too deep into the reasons why these concerns are exempted. The reason is that, if the surcharge is put upon them, there is a possibility of setting up their own plants which will not be touched by this particular piece of legislation. Well, persons who use less than 12 units are exempted on the one hand and persons who use a very large quantity of energy are exempted on the other. But that is not the point: you give relief to only just a handful of poor people. But what are the actual effects of this tax? It has been pointed out that in the mufassal the charges of consumption are very high—6 annas to 8 annas—and in spite of that most of the mufassal companies are still running at a deficit. When an electric company is started it must run at a deficit, but it expects to make up in the course of years as consumption expands. These companies are living in the hope of consumption of more electricity in future years. Sir John Woodhead has asked us not to conceive that the man who is using electricity may go back to the use of oil lamp by reason of this tax and consequently the expansion of electric companies will necessarily stop. But I say the man who is using oil lamp will think thrice before he takes to the use of electricity, and these companies will therefore close down. What does that mean? The closing down of an electrical concern must throw a large number of workers and labourers out of employment. Maulvi Majid Baksh has been taken in by the little specious exemption in favour of the poor, but he has not taken into consideration the ultimate effect of this tax on the poor. He talked of socialism, but if he had studied socialistic literature and history he would have found that one of the first things done in Russia as a part of the socialistic programme was the electrification of the country. This is a Bill directed against even the tardy progress of the electrification of the country. That is how the thing works. Well, if I may refer to another ill effect of the proposed legislation: electricity is also consumed by the cinema companies. I do not know whether they will come under the definition of manufacturing concerns. Supposing they do not and supposing you pass the other Bill which puts an additional tax on the cinema—these cinema companies are not rolling in wealth—it means the curtailment of the number of their customers, it means the increase of their cost, it means that some of the companies will have to go out. These cinema companies also employ a large number of persons. It is in these ways that these proposals will react on the poor. There are infinite other ways in which the taxation on the rich reacts on the poor. As I have already said there is not one justification to be found for these taxations. The imposition of five

different taxes for the purpose of producing such a paltry sum as 24½ lakhs is against all principles of good finance. The tobacco tax will require the employment of an extensive preventive staff———

(The member having reached the time limit resumed his seat.)

**Mr. NARENDRA KUMAR BASU:** Mr. President, Sir rising at this late hour it is not my purpose to inflict a long speech upon you over this matter. I confess that I have heard very carefully the speech of the Hon'ble Finance Member, read his communiqué and was also an eager listener to the speech delivered here yesterday, a portion of which was meant to induce members to support the taxation Bills. Sir, there are several premises that ought to be remembered in voting on taxation measures. Firstly, I submit that the ordinary work of administration should be carried on within the ordinary resources of Government. Sir, before the taxation Bills of 1922 were passed through the Bengal Legislative Council, the then Governor of Bengal, His Excellency the Earl of Ronaldshay, in his speech on the 21st November, 1921, to the Legislative Council said "It must not be supposed for one moment that a decision of this Council to raise fresh revenue for carrying on the administration for the time being should be regarded as acquiescence on their part to the Meston Award. That is far from it." He also said "We have a moral claim to further relief and in that view we regard the allocation of the proceeds of the new taxation to meeting our deficit as purely a temporary expedient pending further relief, on receipt of which, the new revenue raised would become available for those schemes of educational, sanitary and medical progress which I am sure the Council as much as the Hon'ble Ministers who are charged with them so earnestly desire to see taken in hand."

Sir, that was said about 14 years ago and up to date the proceeds of those taxes have not been allocated to what are known as the nation building departments. The ordinary work of administration has swallowed up more and more money, whether received from the provincial revenues or from grants and loans from the Government of India. Sir, it does not require much labouring to establish the fact that Bengal is unable to bear fresh taxes at this time. That has been admitted by the Simon Commission; that has been admitted by highly placed people outside this Council and that has also been admitted by our Finance Member himself. Then, Sir, with what face can we turn round to our constituents, the people in the country, and say that we have agreed to these measures of taxation because the Hon'ble the Finance Member has been pleased to employ methods partly of coercion, partly of undue influence and partly of, if I may use that word, coddling? Methods

of coercion we saw yesterday and his methods of undue influence we have seen in the speech of the Finance Member to-day. What he means to suggest is this: Here is the Government of India, I mean the Government of India and the Indian Legislature, who are the final arbiters to say whether for the next year or next year and a half we shall or we shall not have a portion of the jute tax and unless we put something before their eyes which will pass with them as our very best by passing these Bills we shall not get that money. Sir, so far as the language used by the Finance Member of the Government of India in the Legislative Assembly last year is concerned, the language was this, and I took it down from Sir John Woodhead's speech: "The stipulation was that the Government of Bengal and its legislature must show that they are doing all that is possible to help themselves." Sir, I ask in all humility whether Sir John Woodhead thinks that it is possible to make the Indian Legislative Assembly, if it is unfriendly to the interests of Bengal, say that by raising a taxation of 24 lakhs by means of these five Bills Bengal has been doing all that was possible to help themselves. After all, Sir, we are used to seeing the pledges of much bigger people being honoured more in the breach than in the observance. Here is a new Legislative Assembly which has got nothing to do with the Legislative Assembly which was, if I may use the word a party to the pledge given last year, and what will prevent this new Legislative Assembly from saying "We know Bengal has not done all that they could to help themselves." Does the Hon'ble Finance Member give an undertaking that if the crore and a half for the next year is not given then these Acts will stand repealed? Does he say anywhere in this Bill that these taxation Bills are meant only for the next year and a half? Has he said anywhere that the duration of these Bills will be only till the next constitution comes into being? I submit that it is no use flogging a dead horse and to flog the Bengal taxpayer in an attempt to make him pay what he is decidedly unable to pay is, if I may say so, a mere eye wash in the matter of "doing all that is possible to help ourselves." So far as the Legislative Assembly is concerned there is nothing to prevent them from saying "you have tried by this paltry expedient to convince us that you have done something which you know that you have not done." I submit, Sir, that is the one reason on which these Bills are based and that reason is unsubstantial. Sir, there is a Bengali story—I hope I am not touching the susceptibilities of any class of men—but there is a story that one of the landlords—not of the class that we see here—but one of the oppressive landlords sent for one of his tenants and ordered that he be given some shoe beating. Another man who was more sympathetic, who was standing by, said, "well this man is ill, why are you beating him"? But the zemindar said "well he can still bear any amount of beating," and it is something like this sympathetic treatment that Bengal is getting from Sir John Woodhead. He knows that Bengal is unable to bear any

fresh taxation, but, says he, "do pay something more so that we can put up some sort of show before somebody else." I submit that that is hardly a sound reason for imposing fresh taxes upon the people who are absolutely at the end of their tether. Sir, is the Hon'ble Finance Member unaware of the plight to which our countryside has been reduced? Is he not aware that the people in the mufassal are unable to have two substantial meals a day or even one meal a day? Is he not aware that most people in the countryside have not enough clothing to protect themselves not only from the rigours of the climate but even to cover themselves and their womenfolk as modesty demands? With the price of rice and the price of jute as they are now, with the prices of vegetables and milk in the countryside as they are now, is not the Finance Member aware that the country is simply and absolutely at the end of its resources? It has been said that these taxes will not touch the very poor. Sir, I do not know what is meant by the words "very poor." As my friend Mr. S. M. Bose has pointed out, probably the poorest men in Bengal to-day are what is known as the middle class *bhadralogs*. Is it not a fact that it is the money which is produced by the agriculturists and which comes from the pockets of these agriculturists that is circulated and makes some of us pose as rich men? If the country generally is poor what is the extent of the riches of the so-called landlords, of the so-called zemindars or of the lawyers for the matter of that? After all it is the money which is produced by these, the poorest of the poor, that is circulated among the rest of the people. I submit that the condition of the people of Bengal at the present moment is such that not one of us can possibly bear the incidence of these taxes. Then, again, does not at least one of these taxes relate to and touch the very poorest of the poor namely, the Tobacco Tax? It has been said that the amount of the license fees is six rupees a year, or three rupees or one rupee a year, but then do we not know that the price rises not in the proportion that taxes are imposed but in a quite arbitrary manner? To tax tobacco, which is the only luxury for the poorest of the Bengal poor, is, I submit, worse than criminal: it is a blunder. Talking about this particular Bill, as has been pointed out by a previous speaker, what justification is there for touching the householder, who uses electricity for domestic purposes and not touching the pockets of those who are able to afford it? As far as I know—I am speaking subject to correction—from the official list of electrical undertakings in India published by the Punjab Government I find that in Bengal, outside Calcutta and excluding the Bhatpara electrical works, there are nine electric companies and I understand that several more are due to start work very soon. The charges of these companies are between 5½ annas and 7 annas per unit and you want to add 2 pice to that now. Already five out of these nine are working at a loss and I am sure that by adding two pice to their charge per unit, you will be driving the rest also to work at a loss and

also make it impossible for the new companies to function. Sir, we have been told that this is the age of electricity and that electrification is the one panacea for the country's evils. We all know how the countries in the West, not excluding England, by rationalizing the industries have brought electricity to the door of the very poor; and here by introducing this Bill you are trying to shut out electricity from the very poor and the country at large. You are trying to make it impossible for the country to rationalize its industries. I submit, Sir, that is one of the grounds on which this Bill should be opposed. The other reason given by the Hon'ble the Finance Member in support of the Bill is that it will be something to show to the Finance Committee that we are trying to help ourselves, I submit, Sir, that it is a poor compliment to the Financial Commissioners, whoever they might be—whether they be independent men or experts. In conclusion, I submit, Sir, that there is absolutely no justification for these taxation Bills and they ought to be thrown out.

**The Hon'ble Sir JOHN WOODHEAD:** Sir, there are two motions before the House—my own motion and the dilatory motion for circulation. I propose to deal first with the main motion and then with the motion for circulation.

Sir, the several speakers who have spoken have stressed certain well-defined points, and one point to which many members have referred is the question of retrenchment. The view that has been expressed is that Government have not effected sufficient retrenchment and that therefore taxation should not be agreed to. Certain speakers have instanced certain recommendations of the Retrenchment Committee which have not been carried out. The impression they desired to convey seems to be that because the Retrenchment Committee recommended retrenchments amounting to a total of Rs. 185 lakhs and as we have carried out retrenchment to the extent of under a crore, sufficient retrenchment has not been effected. Now, Sir, I went through the Retrenchment Committee's report the other day and I have picked out several cases where I feel sure that many members would have objected to the Retrenchment Committee's recommendation being accepted. Maulvi Abul Kasem spoke of certain items which he considered should have been accepted. I would however in reply refer him to one recommendation, viz., that all the provincial roads should be handed over to the District Boards. If we had carried out that recommendation, we would have saved the Province about Rs. 13½ lakhs, but *per contra* it would have saddled the District Boards of Bengal with very considerable expenditure. I have no doubt that Mr. Abul Kasem would not have approved of the acceptance of that recommendation.

Sir, certain members have dealt in their speeches with that urgent question of *bhadralog* unemployment and the need for a remedy. When they criticize Government for not carrying out *in toto* the Retrenchment Committees recommendations, have they forgotten that the Retrenchment Committee recommended the abolition of the Government Commercial Institute, the closing down of the Calcutta Technical School and the closing down of the Technical School at Kanchrapara? Would they have approved of the acceptance of these recommendations? The Government Commercial Institute costs us Rs. 74,000 a year: the Kanchrapara Technical School Rs. 41,000 a year; the Calcutta Technical School Rs. 38,000 a year. I have little doubt that the House would have disapproved of the closing down of these institutions. There are other instances to which I can refer. *Sericulture*: The Retrenchment Committee recommended that sericulture should be practically entirely closed down. The saving on their estimate would have been about Rs. 1¼ lakhs. Government decided, after very careful consideration not to close down sericulture entirely but to reduce the expenditure under this head. We reduced it by about Rs. 60,000; and I am sure the whole House, particularly those who come from Malda and Murshidabad and I look towards Babu Kishori Mohan Chaudhuri—would have found fault with us severely if we had closed down sericulture work entirely in those districts.

As regards Veterinary Assistants, the Retrenchment Committee recommended that the establishment should be handed over almost entirely to District Boards: it was expected that the adoption of this recommendation would save Government Rs. 1,11,000; it was not accepted. I have no doubt that the Chairman of every district board and every member of every such Board would have resisted such a recommendation.

The Committee recommended a very large reduction in the establishment of the inspectorate of the Education Department They estimated a saving of Rs. 5 lakhs. Have you considered how many persons of the *bhadralog* class would have been thrown out of employment if that recommendation had been accepted?

Another suggestion of the Committee was the closing down of one of the mufassal medical schools. No school has been closed down. Would you have agreed to this recommendation? (Cries of "No": "No".) Well, then you cannot say that Government have not done their duty so far as retrenchment is concerned. What I maintain is that so long as our critics agree that it was not possible to accept all the recommendations of the Retrenchment Committee, these critics cannot

argue—"Government have not accepted *in toto*, the Retrenchment Committee's proposals and therefore have not retrenched as much as was possible and practicable."

Sir, the next point I will deal with is the view, expressed by several speakers, that the Government of India and the Legislative Assembly will not insist on compliance with the condition laid down last year. Well, Sir, the Hon'ble the Finance Member of the Government of India stressed the condition more than once and he made it clear that it was a condition which should be taken seriously; and I have little doubt that the condition played an important determining part in persuading the Legislative Assembly to accept the proposal that Bengal should receive assistance from Central Revenues. The House is well aware that other provinces are not particularly favourably inclined towards Bengal. It has been urged that Bombay spends Rs. 8 per head whereas Bengal spends much less per head. But remember Bombay's reply will be that they raise Rs. 8 and that is why they spend that amount. I have no doubt that if the Government of India went to the Assembly and said that we had refused to impose any additional taxation, the members from Bombay would say: "What has Bengal done?" We have our grievances, our complaints against the Meston Settlement. We have a deficit: we have taxed ourselves in order to reduce that deficit but have not received any assistance from the Government of India. Bengal has been given assistance to the extent of Rs. 1½ crores a year and what has she done to assist herself by additional taxation? Bengal has done nothing: the condition has not been fulfilled." Does the House really believe that they can receive the support of the other provinces for a grant of Rs 1½ crores a year without complying with the condition solemnly laid down a year ago? The other argument that the condition should never have been imposed does not carry us one step further. If a person is in a position to impose a condition nothing will be gained by telling him that he should not impose it. It is futile to say that the Central Legislature will not be so unfair as to insist on the condition being fulfilled. Nor is their any force in the argument that the legislature, having laid down the condition, can be prevailed upon to abandon it. It is of no avail to close our eyes to the existence of the condition. The condition is there and if we are to receive the grant the condition will have to be fulfilled.

Sir, a lot has been said about the restoration of the 5 per cent. cut in pay. I tried to explain why the local Government felt compelled to restore that cut in regard to the services under their own rule making power. The position is quite a simple one. The Government of India, with the approval of the Secretary of State for India, decided to restore the 5 per cent. cut in the case of officers of the All-India Services and

the Central Services. (Mr. NARENDRA KUMAR BASU: They should not have done this.) Whether they should have done it or not, is a matter on which I cannot express an opinion. The decision means, Sir, that the 5 per cent. cut will be restored in the case of officers belonging to the All-India Services serving in Bengal; and also that it will be restored in the case of all officers serving under the Government of India in this Province, for instance all assistants in the Accountant-General's office in Bengal. In these circumstances we felt that we could not maintain the 5 per cent. cut on our own officers, we could not justify treatment to our own officers different from the treatment accorded to officers of the All-India and Central Services. It is not correct to say that this taxation is being imposed for the purpose of meeting the expenditure involved in restoring the 5 per cent. cut in pay. As I have already said, our deficit amounts to Rs. 70 lakhs. I am proposing measures of taxation which we expect to produce Rs. 24½ lakhs. The balance is Rs. 45½ lakhs. Within that amount of 45½ lakhs falls the 17 lakhs which is the cost of the restoration of the 5 per cent. cut and that 45½ lakhs is carried by our bankers, the Government of India, for it is from them we shall receive an advance with which to meet it.

Sir, there is one point on which I have not touched and that is the "Terrorist" expenditure. The House has to remember that next year's expenditure under this head will amount to Rs. 62 lakhs. If this "Terrorist" expenditure were not there, we would practically have a balanced budget. The "Terrorist" expenditure up to date has not been met by funds raised by this province; it has been met by advances made by our bankers, the Central Government.

Then, Sir, as regards the burden of the proposed taxation, first of all, as Mr. Thompson has carefully pointed out, this taxation does not hit the cultivator. It may be, and no doubt will be, urged that the "tobacco" tax hits the cultivator I would urge, however, that for all practical purposes it does not touch him. The Electricity tax certainly does not hit him; nor does it touch anybody who does not live in a town. The countryside, about which Mr. Narendra Kumar Basu said such a tremendous lot, escapes. The countryside is not hit by the Electricity duty, neither is it hit by the Probate duty; it is practically not hit by the Stamp duty; and it is certainly not hit by the Amusements tax: in fact the greater part of the counryside escapes from these taxation measures altogether. Again as I have already explained, 50 per cent. of the consumers in Kurseong and 63 per cent. in Berhampur will be exempted from the Electricity duty. I have not got the figures for the other towns, but in all probability over 50 per cent. of the consumers outside Calcutta will be exempted from the Electricity duty. If such a large number of consumers in the mufassal areas are exempted, surely

the imposition of a small surcharge cannot retard the development of electrical undertakings by preventing persons from using electricity instead of kerosene.

Sir, during the debate the countryside has often been spoken of and members have been nervous as regards the effect of the additional taxation on the countryside. But I have often been struck by the difference in the attitude of the protectors of the countryside, of the poor consumer, according as whether the tax is a protective duty or a revenue duty. Have members forgotten that for the benefit of the cotton piece goods industry in India, every cultivator in Bengal, rich or poor, every poor widow, is paying 50 per cent. more than he or she would otherwise pay for his or her cloth? Have they forgotten that for the protection of the steel industry in India, cultivators in Bengal are paying more for their corrugated iron sheets than they otherwise would? Have they ever raised their voices against these protective duties on the ground that the higher prices throw a heavy burden on the countryside? No they haven't because they thought the policy was for the ultimate good of India.

When it is a question of imposing a heavy protective duty for the purpose of protecting an industry, the poor consumer seems to get lost sight of, but his existence is exploited with great vigour when it comes to raising a small amount for the assistance of the local Government. The difference in attitude is rather astonishing. A lot has been said as regards the electricity duty, as regards its probable effect on the small companies in the mufassal. But I am satisfied in my own mind that it will not place any appreciable impediment on the development of electricity in Bengal. As regards whether certain persons should be exempted, that is a matter for the Select Committee and not for decision now.

Finally, as regards the motion for circulation, I have never heard of a taxation Bill which has been circulated. What shall we gain by circulation? Those who are to be taxed will not want to be taxed and will probably urge that the burden should be placed on others' shoulders. That will be the only result of circulation. We shall have an outcry on behalf of the mufassal consumer and on behalf of the mufassal producer. We know already that they will protest. We shall obtain no information which we cannot obtain without circulation. Everybody who is going to be taxed will say, he does not want to be taxed, but wants to tax those whom it has not been proposed should be taxed. That is the only information we shall get. You must decide now whether you are willing to accept this Electricity Bill in principle or not. It is no use sending it for circulation. We shall get no further information by circulation which will enable us to come to a decision.

Sir, I oppose the motion for circulation.

Mr. Banerji's motion for circulation was then put and a division taken with the following result:

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Chaik Rahim.
Banerji, Mr. P.
Barma, Babu Premhari.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chokhany, Rai Bahadur Ram Dev.
Chowdhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Nurul Absar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Ezaufji, Maulvi Nur Rahman Khan.
Guha, Babu Profulla Kumar.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abdul.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukherji, Rai Bahadur Satish Chandra.
Nag, Babu Seh Lal.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hanuman Prasad.
Qasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray Chowdhury, Babu Satish Chandra.
Ray, Babu Haribansa.
Ray, Mr. Sarat Kumar.
Saadatullah, Maulvi Mohammad.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshay Kumar.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan of Nashipur.
Sulaiman, Maulvi Muhammad.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi, Emaduddin.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Khan Sahib Maulvi Mohamed.
Birmhyre, Mr. H.
Blandy, Mr. E. R.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Ahmuzzaman.
Choudhury, Naji Badi Ahmed.
Cohen, Mr. D. J.
Cooper, Mr. S. G.
Das, Babu Gurupreed.
Dutt, Mr. G. S.
Faroqui, the Hon'ble Nawab K. G. M. Khan Bahadur.
Ghose, Rai Bahadur Saseuka Sumar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Hashem Ali.
Khan, Mr. Nazaar Rahman.
Khan, Maulvi Tamizuddin.
Lesson, Mr. B. W.
Lockhart, Mr. A. R. E.
Maguire, Mr. L. T.
Martin, Mr. O. M.
McGlashin, Mr. E. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Reverend, B. A.
Nandy, Maharaja Srie Chandra of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja.
Nicholl, Mr. C. K.
Norton, Mr. H. R.
Rahoom, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Mr. K. C.
Rockliff, Mr. S. W.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Mr. B. R.

Shah, Maulvi Abdul Hamid.
Stevens, Mr. J. W. H.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Townsend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A deG.
Woodhead, the Hon'ble Sir John.

The Ayes being 40 and the Noes 67, the motion was lost.

The Hon'ble Sir John Woodhead's original motion was then put and agreed to.

## Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 13th February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 13th February, 1935, at 3 p.m.

**Present:**

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 106 nominated and elected members.

**Oaths.**

The following members made an oath or affirmation of their allegiance to the Crown:—

(1) Mr. J. R. Walker.

(2) Mr. H. D. Benjamin.

## STARRED QUESTIONS

**(to which oral answers were given)**

**Entry of pleaders' registered clerks into the offices of courts at Dacca.**

*8. **Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that the registered clerks of the pleaders of the district court of Dacca are forbidden to enter the offices of several courts there by order of the District Judge; and

(*ii*) that this has resulted in inconvenience to the litigant public and legal practitioners in obtaining timely information on various necessary matters to enable them to take necessary steps in the progress of their suits?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, do the Government intend taking in the matter?

**MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter):** (*a*) (*i*) No. Indiscriminate entry into

office attached to the courts by outsiders including pleaders' clerks appears to have been checked under orders of the High Court to prevent tampering with records and issue of surreptitious copies and illicit information.

(*ii*) No complaint of inconvenience has been received. Information required by the pleaders' clerks is mostly supplied in the court rooms or on the notice boards.

(*b*) Does not arise.

**Babu KHETTER MOHAN RAY:** Will the Hon'ble Member be pleased to state whether representations were made from several District Bar Associations to the High Court as regard the inconvenience caused by the issue of such orders?

**The Hon'ble Sir BROJENDRA LAL MITTER:** Government are not aware of that.

**Babu KHETTER MOHAN RAY:** Will the Hon'ble Member be pleased to enquire whether there is any inconvenience felt by the litigant public as also by pleaders for such orders?

**The Hon'ble Sir BROJENDRA LAL MITTER:** With regard to this matter we made certain inquiries of several District Judges and the replies we have got amount to this that no inconvenience was felt. At any rate no complaint has been made to the District Judges.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Have any references been made to the several Bar Associations regarding the inconvenience felt by pleaders and their clerks?

**The Hon'ble Sir BROJENDRA LAL MITTER:** Not to my knowledge.

### Importation of foreign butters.

***9. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Commerce Department aware that New Zealand, Australian, and Danish butters are coming to Bengal in large quantities?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, are being taken to protect the local indigenous butter trade from injury resulting from the import?

**MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead):** (*a*) The latest edition of the annual statement of sea-borne trade gives the following figures for the total quantities of butter imported into Bengal during the five years ending 31st March, 1933:—

1928-29—130 cwts., 1929-30—644 cwts., 1930-31—1,052 cwts., 1931-32—1,799 cwts., 1932-33—1,789 cwts.

(*b*) The local Government have not received any intimation from the local indigenous butter trade that these imports are causing it injury.

**Rai Bahadur SATYENDRA KUMAR DAS:** With regard to (*b*), will the Hon'ble Member be pleased to state, in the absence of any complaint from any indigenous butter concern, are not the Government contemplating taking any action to prevent the importation of such a large quantity of butter from outside?

**The Hon'ble Sir JOHN WOODHEAD:** No. I would remind the hon'ble member that imported butter is subject to an *ad valorem* duty of 25 per cent.

**Rai Bahadur Dr. HARIDHAN DUTT:** Is it not a fact that such increase of a necessary food article as butter even by import is desirable from the health point of view?

**The Hon'ble Sir JOHN WOODHEAD:** I should like to say yes, but that is a matter of opinion.

**Maulvi SYED MAJID BAKSH:** Do not the figures themselves show that a large increase of imported butter has supplanted the indigenous butter?

**The Hon'ble Sir JOHN WOODHEAD:** Not necessarily, Sir.

**Industrial use of alcohol.**

***10. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is it the intention of the Hon'ble Member in charge of the Commerce (Industries) Department to make alcohol a compulsory adulterant in petrol so that there may be large industrial use of alcohol, to help the distilleries in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, what definite steps are being taken in the matter?

**The Hon'ble Sir JOHN WOODHEAD:** (*a*) No.

(*b*) Does not arise.

### "Printers' Gazette."

*11. **Dr. AMULYA RATAN GHOSE:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that the *Printers' Gazette* is a purely technical journal;

(*ii*) that it deals in matters concerning printing and allied industries;

(*iii*) that it never indulges in political matters; and

(*iv*) that the journal has not been permitted to be received by Babu Mahendra Nath Dutt, formerly manager of a Calcutta press, now detenu at Deoli, and by Babu Manoranjan Gupta who is a partner of a press and now a State prisoner?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the reasons which have led the Government to withhold their permission; and

(*ii*) what harm is apprehended from such a journal being allowed to be read by the aforementioned prisoners?

**MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid):** (*a*) (*i*), (*ii*) and (*iii*) The publication made its first appearance only in August last, and though said to be a quarterly journal, no subsequent issue seems to have been published. It is therefore too early to pass any opinion upon its contents.

(*iv*) Government have no information on the subject.

(*b*) (*i*) and (*ii*) Do not arise.

### Accidents during Howrah Bridge openings.

*12. **Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is the duty of the Calcutta Port or River Police and the Traffic Police to see that no accidents occur on account of the overloading of ferry boats at the time of the Howrah Bridge openings?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing the number of accidents on the river near the bridge during last twelve months?

**MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid):** (*a*) The reply is in the affirmative.

(*b*) None have been reported.

**Number of persons at present under restraint.**

*13. **Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the total number of Bengali—

(*1*) ladies, and

(*2*) gentlemen,

who are at present in detention without trial under Bengal Regulation III of 1818 and the Bengal Criminal Law (Amendment) Act; and

(*ii*) how many of them are—

(*1*) imprisoned in the Bengal jails;

(*2*) imprisoned in the jails outside Bengal;

(*3*) interned in Bengal villages other than their own homes;

(*4*) interned in their own homes;

(*5*) confined in the detention camps in Bengal; and

(*6*) confined in the detention camps outside Bengal?

(*b*) Is it a fact that besides those mentioned in (*a*) a large number of Bengali youths have been served with notices not to go out of their houses—

(*1*) between sunset and sunrise; and

(*2*) during day and night, and are made to report themselves to police stations once or twice a week?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing their present number, district by district?

(*d*) Will the Hon'ble Member be pleased to state the scale of allowances granted to each of the abovementioned classes of detenus?

**The Hon'ble Mr. R. N. REID:** (*a*) A statement is laid on the table.

(*b*) District Magistrates have, under section 2A of the Bengal Criminal Law Amendment Act, imposed restrictions on a large number of young persons under the age of 21 to prevent them from being drawn into the terrorist movement. Action has also been taken in certain districts in which the rules under the Bengal Suppression of Terrorist Outrages Act are in force, to impose certain restrictions on some persons above the age of 21 under those rules.

(c) A statement of young persons against whom action has been taken under section 2A of the Act is laid on the table. Complete figures of persons against whom action has been taken under the Bengal Suppression of Terrorist Outrages Act are not available.

(d) In detention camps detenus receive allowances for diet and personal necessities on an uniform scale. In village domicile allowances are fixed according to the circumstances of each case. Government are not prepared to furnish details of the allowances sanctioned.

*Statement referred to in the reply to starred question No. 13 (a), showing the total number of persons under restraint under Bengal Criminal Law Amendment Act, 1930, and Regulation III of 1818.*

| (i) | Bengal Criminal Law Amendment Act, 1930. | Regulation III of 1818. |
|---|---|---|
| Females .. .. | 29 | .. |
| Males .. .. | 2,480 | 18 |
| Total .. | 2,509 | 18 |
| (ii) (1) Number imprisoned in the Bengal jails. | 203 | .. |
| (2) Number imprisoned in the jails outside Bengal. | 3 | 17 |
| (3) Number interned in Bengal villages other than their own homes. | 678 | .. |
| (4) Number interned in their own homes. | 154 | 1 |
| (5) Number confined in the detention camps in Bengal. | 974 | .. |
| (6) Number confined in the detention camps outside Bengal. | 497 | .. |
| Total .. | 2,509 | 18 |

*Statement of young persons against whom action has been taken under section 2A, Bengal Criminal Law Amendment Act, referred to in the reply to starred question No. 13 (c).*

| District. | | District. | |
|---|---|---|---|
| Bakarganj | 3 | Khulna | .. |
| Birbhum | 2 | Malda | 14 |
| Bogra | 16 | Midnapore | 13 |
| Burdwan | .. | Murshidabad | 4 |
| Bankura | .. | Mymensingh | 19 |
| Chittagong | 102 | Nadia | 2 |
| Dacca | 164 | Noakhali | 17 |
| Darjeeling | .. | Pabna | 24 |
| Dinajpur | 46 | Rajshahi | 34 |
| Faridpur | 35 | Rangpur | 66 |
| Hooghly | 1 | Tippera | 24 |
| Howrah | .. | 24-Parganas | .. |
| Jalpaiguri | 7 | Total | 563 |
| Jessore | .. | | |

## UNSTARRED QUESTIONS

**(answers to which were laid on the table)**

### Typists and copyists of the Pabna District Judge's Court.

**4. Dr. JOGENDRA CHANDRA CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the present number of the typists and ordinary copyists employed in the court of the District Judge of Pabna are 6 and 8 respectively?

(*b*) Is it a fact that in the said court in the absence of English copies the typists copy out vernacular copies, but that they draw their remunerations at the rate of Rs. 65 per month?

(*c*) Is it not a fact that Rs. 65 per month is the prescribed rate for typewriting English copies?

**The Hon'ble Sir BROJENDRA LAL MITTER:** (*a*) Yes.

(*b*) Vernacular copies are some times made over to typists and English copy to copyists to maintain the ratio of 65 : 40 in the earnings of the typists and copyists as an interpretation of the standards prescribed by the High Court. In 1934 the average earning of typists was Rs. 32 and that of copyists Rs. 20 per mensem.

(*c*) This is the prescribed minimum standard to be aimed at.

**Maulvi ABUL QUASEM:** With reference to (*b*), does not the Hon'ble Member think that Rs. 20 per mensem as the average earning of copyists during 1934 was hopelessly inadequate and hardly sufficient to maintain a family?

**The Hon'ble Sir BROJENDRA LAL MITTER:** That is a matter of opinion.

**Maulvi ABUL QUASEM:** Is it not a fact that during the last session in reply to a certain question the Hon'ble the Finance Member said that the question of raising the remuneration of the copyists from 2 annas per folio to 3 annas, was under consideration?

**The Hon'ble Sir BROJENDRA LAL MITTER:** The present rate is 4 annas per folio. That is my information—4 annas per folio or 150 English words written or typed—and 4 annas per folio per 300 vernacular words.

**Maulvi ABUL QUASEM:** Is it not a fact that the copyists are at present getting 2 annas per folio and is it not a fact that Government promised to consider their case?

**The Hon'ble Sir BROJENDRA LAL MITTER:** I have given all the information in my possession. I shall however enquire into the matter and if my hon'ble colleague the Finance Member has given such an undertaking, it will be honoured.

**Maulvi SYED MAJID BAKSH:** Is it not a fact that the Hon'ble the Finance Member in replying to a question of mine promised to raise the remuneration from two to three annas? If so, how does the matter stand now?

**The Hon'ble Sir BROJENDRA LAL MITTER:** As I have said that if my hon'ble colleague the Finance Member has given such a promise it would be honoured.

**Repealment of the emergency legislation due to the decrease of the terrorist crimes.**

**5. SETH HUNUMAN PROSAD PODDAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing for the last three years the number of crimes classed as perpetrated by "terrorists"?

(*b*) Is it a fact that the number of such crimes is now decreasing?

(c) Is it a fact that the decrease is due to a healthy growth of public opinion against such crimes?

(d) If the answer to (b) and (c) are in the affirmative, are the Government considering the desirability of repealing the emergency legislation in this respect?

**The Hon'ble Mr. R. N. REID:** (a) A statement is laid on the table of the more important terrorist crimes. These figures are as nearly correct as it is possible to make them, but they are not final. Apart from these, there are many cases in which members of terrorist organisations have been convicted for possession of unlicensed arms or for offences under the Bengal Suppression of Terrorist Outrages Act for which figures are not readily available.

(b) Serious crimes have decreased.

(c) It is a fact that public opinion in respect of these crimes has in recent months assumed a more healthy tone and that a healthy public opinion is of great value in checking crimes, but Government are not yet in a position to decide the extent to which this change of public opinion has contributed to the decrease in these crimes.

(d) No.

*Statement referred to in the reply to unstarred question No. 5 (a).*

| | 1932. | 1933. | 1934. |
|---|---|---|---|
| Murders ... | 5 | 4 | 2 |
| Attempted murders ... | 14 | 5 | 3 |
| Dacoities and robberies (including attempts). ... | 73 | 31 | 8 |
| Bomb-throwing . | 3 | .. | 1 |
| Bomb explosions ... | 4 | 2 | ... |
| | 99 | 42 | 14 |

**Calcutta High Court Rule Committee.**

**6. Babu SUK LAL NAG:** (a) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether there is a Rule Committee for the Calcutta High Court as contemplated under section 122, Civil Procedure Code?

(*b*) If the answer to (*a*) is in the affirmative,—

(*i*) when was the Committee first formed;

(*ii*) who are the present members of the Committee;

(*iii*) were their respective appointments gazetted? If so, when?

**The Hon'ble Sir BROJENDRA LAL MITTER:** (*a*) Yes.

(*b*) (*i*) In 1909.

(*ii*) (*1*) The Hon'ble the Chief Justice.

(*2*) The Hon'ble Mr. Justice Mukerji.

(*3*) The Hon'ble Mr. Justice S. K. Ghose.

(*4*) The Advocate-General, Bengal.

(*5*) The Senior Government Pleader, High Court.

(*6*) The Solicitor to the Government of Bengal.

(*7*) Mr. T. H. Ellis, I.C.S. (District Judge, 24-Parganas).

(*8*) The Registrar, High Court, Appellate Side (Secretary).

(*iii*) No.

## GOVERNMENT BUSINESS

## LEGISLATIVE BUSINESS

## GOVERNMENT BILLS.

### The Court-fees (Bengal Amendment) Bill, 1935.

**The Hon'ble Sir JOHN WOODHEAD:** I beg to introduce a Bill further to amend the Court-fees Act, 1970.

The Secretary then read the short title of the Bill.

**The Hon'ble Sir JOHN WOODHEAD:** I move that the Court-fees (Bengal Amendment) Bill, 1935, be referred to a Select Committee consisting of—

(1) Mr. Narendra Kumar Basu,

(2) Babu Jatindra Nath Basu,

(3) Babu Amulyadhan Ray,

(4) Mr. S. M. Bose,

(5) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,

(6) Maulvi Tamizuddin Khan,

(7) Khan Sahib Maulvi Mohammad Basir Uddin,

(8) Babu Sarat Chandra Mittra,

(9) Rai Sahib Akshoy Kumar Sen,

(10) Mr. D. Gladding,

(11) Mr. W. H. Thompson,

(12) Rai Bahadur Satish Chandra Mukherji,

(13) Mr. A. deC. Williams,

(14) Maharaja Sris Chandra Nandy, of Kasimbazar, and

(15) the mover,

with instruction to submit their report by the 9th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Bill is a simple one. It provides for an increase in the Court-fees payable, first on Probates of a Will or Letters of Administration with or without a Will annexed and secondly on Certificate under Part X of the Indian Succession Act, when the amount or value of the property covered by the Probate or Letters of Administration or the value of the debt or security exceeds two and one-half lakhs. No increase is proposed when the value does not exceed this figure.

There is one small point to which I should also draw attention. The attention of Government has been drawn to certain doubts as to the interpretation of article 12 in the First Schedule to the Court-fees Act and in order to remove these doubts a redraft of this article was included in the Court-fees (Bengal Amendment) Bill, 1933. The Select Committee on that Bill has recommended the deletion of the clause embodying the redraft, as in their view it was desirable that the matter should be dealt with in one Bill and not in two. The redraft will therefore be a matter for decision in this Bill.

The rates proposed in the Bill have been in force in the Presidency of Bombay since 1932.

I commend my motion to the House.

**Mr. PRESIDENT:** There are several motions for circulation, of course with different dates. Is it possible in order to save the time of the Council to select any one for discussion? There will then be no necessity for moving the others. Will it satisfy the House to take up the first one?

(The members having signified their assent, Mr. P. Banerji was asked by Mr. President to move his motion.)

**Mr. P. BANERJI:** I move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1935. Sir, in moving this Bill for circulation I do not like

to reiterate what I had said yesterday. Our views are definite on this point for I maintain that no case has been made out especially at this time for a Bill of this nature. I must term this Bill as an obnoxious one. Yesterday the leader of the European Group, Mr. Thompson, who is now present here, wanted to give us a little bit of his precious advice. He asked how could this motion for circulation be brought in, though he knew fully well that it was nothing but dilatory tactics on our part to put off the evil day. Yes, it is dilatory tactics and there is no doubt about that. Already there is another Bill of a similar nature on the anvil. It is now quite plain that court-fees are going to be enhanced in every direction. In this Bill there are two points which need explanation. The one is that the poor will not be affected by this measure, and the other is that the *zemindars* will be the only persons who will be affected most by this measure. It has already been sufficiently explained who are actually the poor people. But I consider the *zemindars* of to-day are the poorest people in the land because they are the persons who will be hard hit and everybody knows that they are already heavily burdened and what is the result? I have personal experience of many *zemindars* as to what happens after the death of the head of a family. It happens that they have no cash money, no property. Gentlemen of rank have no money in the bank. So there is no denying the fact that Government cannot say that they are people of affluent circumstances. It is not unknown to anybody that property worth about Rs. 50,000 is valued at Rs. 2,00,000. Consequently, they have to pay a much heavier revenue than what they are required to pay on actual property basis. The lot of *zemindars* to-day is far from satisfactory. Sir, the position of *zemindars* now-a-days can better be imagined than described. With these words I commend my motion for circulation of the Bill for the acceptance of the House.

**Mr. SARAT KUMAR ROY:** It is a misfortune that before we have finished our labours with the Court-fees (Bengal Amendment) Bill of 1934, which also aims at additional taxation, not less than five such other Bills are being presented before us in this session and I am really shocked at this awful venture of the Government, particularly in view of the terrible economic depression under which the whole country is groaning for the last five years. Although I was partly relieved of the shock when I found that two of these measures had a limited application, affecting a section of the urban population only, yet I am sorry to say that the other measures have a very wide sphere for their activities and would seriously affect the majority of the members of the landholding community. I mean both landlords and tenants, who are already overburdened with numerous other liabilities to the State. I have therefore to oppose this measure.

Sir, I am not unmindful of the fact, that continued deficits in the provincial revenues have compelled the Government to propose these additional taxing measures. And although the question of retrenchment by way of salary cut has been already dealt with by the Hon'ble Finance Member, yet I think I may be permitted to raise again the question of restoration of the salary cut. Sir, it is well known that owing to the great economic depression now prevailing in the country, though a certain section of the population are well-nigh ruined, those who enjoy fixed salaries are more or less immune from its pernicious effects; on the contrary, they are now able to take advantage of the low prices and thus maintain themselves with less expense than before. So I think in view of the great and continued deficit in the budget, the restoration by two stages of the salary cut might well have been postponed for the present. Sir, any saving made amounts to income. Hence the amounts saved by retrenchments made in this direction would have gone a long way in meeting the deficit, and at least the present measures for taxation would not have been necessary, inasmuch as the savings would have well covered the amount expected to be obtained by the proposed measures of taxation.

Again, Sir, the deficit may be also partly met by developing the various resources of the country, such as the manufacture and sale of quinine and other important drugs, which are now being imported. I would therefore think that it would have been far more prudent for the Government to adopt measures like these rather than seek to impose further taxation at a time when great economic depression is prevailing in the country.

Then, Sir, with regard to the amendments proposed in this particular Bill, we should not overlook an important fact, namely, that only a certain section of the population is going to bear the whole burden of it. I mean those, the value of whose assets would exceed Rs. 2½ lakhs. Their number is comparatively small and I am afraid, the total revenues to be derived will in consequence be small. Hence, while the income thus derived for the Government will fall far short of the requirement, this section of the people will be put to a very heavy strain. I am afraid, in the majority of cases, they will have to sell off a considerable portion of their corpus at a loss or to incur heavy debts to meet the demand for such taxes.

I therefore submit that on a point of equity, the Bill is objectionable. I therefore oppose the motion and support that of Mr. P. Banerji by way of amendment, that this Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1935.

**Maulvi ABUL KASEM:** Sir, I rise to oppose Mr. Banerji's motion for circulation to-day. Sir, Mr. Banerji himself has admitted that his motion is a dilatory one and that he wants to postpone the evil

day. Sir, yesterday I objected to any new taxation being imposed but the Legislative Council as a whole with an overwhelming majority have given its verdict that it welcomes the imposition of taxtion. Having done so I do not think that any good purpose will be served by our opposing this Bill.

The second point is that as the Legislative Council gave its verdict yesterday when a large number of non-official members were present, it is no use wasting the time of the Legislature by discussing this matter over again.

There is another thing I wanted to say. My friend Mr. Banerji has very pertinently said that the *zemindars* are very poor and one of the leading *zemindars* of the province has come forward to say that this measure if passed will affect only a very small section of the *zemindars* and that in Bengal consequently the income derived from the taxation would not be large. I have nothing to say to that. I think, however, that it is not only the *zemindars* of Bengal but the *zemindars* of England are in a very bad way at the present day. It is quite natural because they have had their enjoyment long enough.

Mr. Banerji has characterised this measure as an obnoxious one. I deny that it is so. In my opinion it is the least obnoxious of all the measures proposed, because it is a measure which will not affect the poor cultivating class to which I belong. I am opposed to any sort of new taxation whatever, but my opposition is based on this that you should not exhaust all your resources leaving none for the coming Government. Therefore I say and I say it without the least reservation and with a full sense of responsibility that this Bill which is now before the House is the least objectionable.

There is another thing which I think I ought to mention. If the Hon'ble Member wanted money he could have raised enough by taxing horse racing, etc., but at any rate as I have already said this Bill is the least objectionable as it does not affect the poorer class of people. I say therefore that this Bill should not be thrown out and that no useful purpose will be served by circulating it.

**Mr. NARENDRA KUMAR BASU:** Sir, I had no intention to intervene in the debate on this particular Bill. I thought we had made our objections to all the taxation Bills clear and patent, once and for all, but my friend Maulvi Abul Kasem, under whose banner we were sailing yesterday, has, I am afraid, played us absolutely false and he has posing as a great pseudo-constitutionalist said that because we were defeated on a motion yesterday, we ought not to pursue the fight but take our defeat on that Bill as absolutely final and as covering all taxation Bills whether introduced in this or in a future sessions. I do not understand the constitution in that way and I do think

that our objections to taxation measures at the present time are as strong and valid with regard to this Bill as they were to the other. As was pointed out by some members yesterday, two of these Bills referred mainly to Calcutta. This particular Bill refers to the richer sections of the community, but that is neither here nor there. The whole point of constitutionalists other than my friend Maulvi Abul Kasem is that taxation at the present moment is bad and ought to be opposed, and one of the well-known constitutional methods of opposition to legislative measures adopted in Legislative Assemblies and in Parliament is to try and have a dilatory motion passed. I therefore beg to support the amendment of my friend Mr. P. Banerji and I shall have great pleasure, if that amendment is defeated, to vote against the original motion of the Hon'ble the Finance Member.

**Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Sir, I rise to support the motion for circulation. I do so not on grounds set forth by the previous speakers but on different grounds. It is known to the House that these taxation Bills have been introduced in order to balance the budget and it is known also that if we can secure our legitimate share of the jute tax from the Central Government and Legislature, our budget will be balanced and there will be no need for further taxation. We do not know at present how much the Central Legislature will sanction this year. If they are very reasonable, and I hope they will be so, they will contribute the legitimate share that we can claim. In that case, there will be no necessity for further taxation. But at the present moment we are in the dark as to their intentions. So, in order to get some time I think the consideration of this Bill may be deferred till March next, so that by that time we may be in a position to know how much contribution we shall get from the Central Government and we can prepare our budget accordingly. If we get a substantial amount, there will be no need for further taxation. If not, we must have recourse to taxation. No one should take any exception to this. Sir, taxation Bills at this juncture when the country is suffering from acute distress, are not desirable. Even the Hon'ble Member does not like the idea. He will be too glad to get rid of this question of taxation. If there is necessity, we must waive our objection and consider these Bills. It is unfortunate that Mr. Thompson introduced the question of the Permanent Settlement yesterday while dealing with the Electricity Duty Bill. He said that the landlords and tenants should be grateful as they were not affected by the Electricity Bill. I am sorry that he forgot altogether that this Court-fees Bill will affect the landlords and the tenants more than what the Electricity Bill will do in the case of the business or commercial persons. He has forgotten that the landlords and tenants do pay to the State exchequer about a crore of

rupees as road and public work cesses. Besides they have to pay another crore of rupees as education cess. If the principle of Mr. Thompson be that any measure which is introduced should touch everybody, I welcome that principle. So far as Mr. Thompson's princinple goes that all kinds of tax should fall on all classes of people, I would welcome it on my behalf and on behalf of the landholding class. But I ask whether Mr. Thompson would be prepared to share the burden of taxation which we are now bearing and which we are going to bear in future. I am ready to pay about 90 per cent. of the proposed taxes if all other parties are prepared to bear only 5 per cent. of what we pay. We have always looked into the question from a particular point of view. Whenever any measure seems to hit any class, we object to it and protect against it irrespective of the incidence on us. Simply because we are not affected by the tax we do not rest satisfied. If our countrymen, who are equally interested in the welfare of Bengal, are affected, we think we are affected as a class and we look upon the question from that point of view. I join him in his contention that the number of seats in the Legislature ought to have some relation to the contribution paid by the community as a class. He said that as the European community was going to contribute a considerable portion of the tax, they ought to have more seats in the Legislative Council. I agree with him and I hope that he will help us in our endeavour to secure an adequate number of seats in the future Legislatures when the time comes.

**Maulvi TAMIZUDDIN KHAN:** Sir, like my friend Mr. Narendra Kumar Basu I had no intention to intervene in this debate but for the speech which we have just now heard from my honourable friend the Raja Bahadur of Nashipur. I think he agrees to the principle of taxation at the present moment. At least as far as I have understood him just now, that is the impression I have carried.

**Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** I agree if necessity arises after the allocation of the jute tax to us.

**Maulvi TAMIZUDDIN KHAN:** So far as that is concerned, my friend has taken a peculiar attitude. My friend says let us wait and see what the Government of India and the Central Legislature do: if the Government of India gives us half the export duty on jute as they did last year, then in March there will be no necessity for taxation at all because at that time we shall be in a secure position. This is a very peculiar argument. My friend thinks that if we pass this dilatory motion, the India Government will be deceived and will not see through this simple game. I think if we make such a poor estimate of the Government of India we might live as well in a fool's paradise.

My friend has attacked the statement made by Mr. Thompson yesterday. I think Mr. Thompson was quite charitable to the class to which my honourable friend belongs, when he said that although the Permanent Settlement is a dead weight on the shoulders of Bengal, yet on account of the various obligations it involves it is unthinkable that it should be repealed. That is the position which Mr. Thompson took up and I think he was quite generous to the *zemindars* as a class. I do not belong to that school of thought at all. My considered view is that the Permanent Settlement is the root of all financial difficulties in Bengal. Had there been no Permanent Settlement, Bengal would have been in a far better position financially: we would have got primary education free and compulsory in this land some decades ago and the illiteracy which now pervades the country would have been a thing of the past and we would have been in a far better position to welcome the coming reforms. My friend has also told this House just now that the *zemindars* should be thanked by the rest of Bengal because the *zemindars* have been generous enough to pay some taxes in the shape of the cesses and other things which my friend has just now mentioned. I beg to ask my honourable friend whose money it is. Does it not come to this, that the *zemindars* rob Peter to pay Paul? Is it not the money of the poor cultivator that the *zemindar* simply collects and is it not a very infinitesimal fraction of that money that he pays to the public exchequer?

**Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** On a point of order, Sir.

**Mr. PRESIDENT:** What is the point of order?

**Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** I beg your pardon, Sir, on a point of personal explanation I may say that as regards the payment of cesses, my friend has made a mistake. The cess is paid both by the tenant and the landlord.

**Maulvi TAMIZUDDIN KHAN:** I therefore think that my friend was not justified in taking objection to what Mr. Thompson said yesterday. As regards the Government, I have a grievance against them. They have all along been supporting the *zemindars* in season and out of season for no reason whatsoever. Had the Government taken a more reasonable attitude, I think the Government would not have to think of taxing things such as tobacco, amusements and the like. Bengal could have been raised to a far higher level financially by one stroke of the pen. I do not say there are no difficulties—there are many difficulties in the way. The Permanent Settlement is a thing which involves various other interests which none can be blind to, but the question is—Has not the time come when Government and everybody

should think that at least an enquiry should be held as to the working of the Permanent Settlement and its disastrous effects on the finances of Bengal? But the Government is not in a mood to do that and my *zemindar* friends should be thankful to the Government for the support they have been getting all along. Therefore it looks very ungenerous if a *zemindar* stands up in this Council and objects to these small measures which will touch them along with others. My friend has said that the *zemindars* will pay more than others. I do not think that the *zemindars* will pay more: it will touch everyone. The measures will affect the *zemindars* as well as other moneyed men. Although the time is inopportune the House has already decided that we should adopt certain measures of taxation on the weighty considerations that have already been explained. I am at one with the Government so far as that is concerned. Although I am not in favour of all the taxation measures that are coming up, yet I think this is one of the measures to which no reasonable objection can be taken. With these words I oppose the amendment and support the motion of the Hon'ble Member.

**Nawab MUSHARRUF HOSAIN, Khan Bahadur:** Sir, as everybody says I too had no intention to take part in this debate but the very fact that an important question has been raised in this House and the fear that if I remained silent I should be understood by the House to accept everything that has been said from all sides of the House, has made me stand up to make my position clear. My friends who are against the Permanent Settlement and who believe———.

**Mr. PRESIDENT:** You need not say anything about Permanent Settlement. We have had enough of it.

**Nawab MUSHARRUF HOSAIN, Khan Bahadur:** I am coming to my point gradually, Sir. But the question is this. I do not believe that the Permanent Settlement is wholly an evil.

**Mr. PRESIDENT:** Please do not go into that. It is not necessary for our purpose to-day.

**Nawab MUSHARRUF HOSAIN, Khan Bahadur:** All right, Sir. What I say is this: every speaker has spoken on the Permanent Settlement and that is why some reply is necessary.

**Mr. PRESIDENT:** I must explain to the House that, although the question of the Permanent Settlement and of the prosperity or otherwise of the *zemindars* could be incidentally referred to in this connection, I must say that those who have spoken on these matters unfortunately made them their main designs. Mr. Thompson, for

example, said something on the Permanent Settlement yesterday very casually, but the Raja Bahadur of Nashipur took his remarks more seriously than he should have done and Mr. Tamizuddin vehemently replied to the Raja Bahadur, forgetting the real issues involved in the case before the House. So I must cry halt and ask hon'ble members to come back to the Bill under review.

**Nawab MUSHARRUF HOSAIN, Khan Bahadur:** All right, Sir. After the ruling given by the Hon'ble President I would simply come to the merit of the question. I am not one of those who have any prejudice against any class of people, whether a *zemindar* or a tenant or a middleman———.

**Mr. PRESIDENT:** Could you not leave out the *zemindars* altogether?

**Nawab MUSHARRUF HOSAIN, Khan Bahadur:** Will you kindly allow me some time to develop my argument?

**Mr. PRESIDENT:** I am sorry, for obvious reasons, I cannot allow you to enlarge upon a discussion on *zemindars*. Please come back to the Bill.

**Nawab MUSHARRUF HOSAIN, Khan Bahadur:** Then I say that so far as the levy of this tax is concerned, it seems to me very hard. My friend, the Finance Member, probably has not cared to think of the implications of this tax. He thinks that 7 per cent. *ad valorem* tax is a very light tax which one can easily pay. That 7 per cent. practically means two years' net profits of a *zemindar*. If my friend is asked to pay two years' income of his for any measure for the benefit of the country, would he agree to do so willingly? So, when you say 7 per cent. could be taken away as tax on the probate, it means that 7 per cent. is to be *ad valorem* and that is too high an amount which any *zemindar* or any man can be called upon to pay. Whatever may be said against property-holders it must be said that they too have done their part of the work in this country. I do not like that the obnoxious principle of death duty should be imposed here in Bengal, as a result of which, really speaking, many families will be wiped out of existence. I know of cases even in England where one very important family who had properties here has ceased to have anything to do with that property as a result of that obnoxious death duty. That estate paid, while I was a Minister, about Rs. 54 lakhs as death duty for which you were so very glad, but that estate paid about 6 millions in

England as a result of which the entire estate has now changed hands and gone into the hands of some American millionaire, so that an Englishman's property is now in the possession of an American millionaire as a result of that duty. It is a death blow that has been given in England to the property-holders there and some of the Englishmen who hold properties, in order to avoid this death duty, have converted their estates into Joint Stock Companies. One of the rich men here who held a very large estate in England is now merely a shareholder of a Joint Stock Company. If you impose such a duty here, what will be its effect; its effect will be that all those that are now doing a lot of public good in the country will disappear. Those who were actually spending their savings for the purpose of the spread of education in the country will have no place here and probably my friend Mr. Thompson was right when he said yesterday that as a result of the Permanent Settlement———.

**Mr. PRESIDENT:** I am afraid you are again referring to the Permanent Settlement.

**Nawab MUSHARRUF HOSAIN, Khan Bahadur:** Well, Sir, if that word has become so very obnoxious to you I will not refer to that.

**Mr. PRESIDENT:** Order, order.

**Nawab MUSHARRUF HOSAIN, Khan Bahadur:** I will simply say that on account of the present state of the country our tenants in the mufassal have not been properly assessed and it means that if we allow these officials to tax you now, you will have to pay more and more and the representatives of tenants' interests will have to pay double or treble of what you are paying now. That is the point I want to emphasise. So, I would appeal to the Hon'ble Member in charge of Finance to consider if it is right on his part to fix two years' net profits of any property-holder as a reasonable amount which he should pay by way of tax on probate? That is too high an amount to think of—that two years' net profits shall go for such a purpose. Although I do not oppose this taxation Bill simply because it is a taxation Bill, I beg merely simply to point out to him the injustice and the difficulties that will arise or accrue to a lot of families as a result of this Bill; no Government should do anything which will bring misery to a class of people. While it is desirable that this class of people should part with a part of their comforts, that comfort does not mean two years' net profits. So, I appeal to the Hon'ble Finance Member once more to consider this aspect of the case before he takes any step in this direction.

**Mr. K. C. RAY CHOWDHURY:** Mr. President, Sir, I think my friend and colleague the Nawab Saheb is quite mistaken in his impression of the implications of the death duty in England and its comparison with the fleabite of a tax of 6½ per cent. on estates as Probate duty proposed by the Bill. The history of death duty is quite a different thing from what my friend has told us. Some rich people in England, under the leadership of Sir Vernon Harcourt, the then Chancellor of the Exchequer, volunteered to divest themselves of a portion of their estates after death because they thought that by so doing it will benefit the community and areas, the degeneration and deterioration of their progeny in possession of vast wealth. I would have certainly welcomed the present proposal if the Hon'ble Finance Member had embodied in the Bill a definite tax on large Estates. Some investigations were made by a Committee which sat in Darjeeling in 1922 with the late Sir John Kerr as Chairman regarding the question of imposition of death duties; I would certainly have welcomed a death duty of 25 per cent. on large scale, and I think nobody would have grumbled because the primary principle of all taxation is that the man taxed should be able to pay it. Everybody knows that big Estates left by wealthy men, *zemindars*, Rajas and Maharajas can pay. The Raja Bahadur of Nashipur has cited a very bad case of Europeans not bearing their share of much taxation in Bengal. But, Sir, he is quite wrong. Only the other day we had had a windfall after the death of Sir David Yule who left vast Estates in India and Bengal Government got out of that estate Rs. 56 or 65 lakhs as duty—after the British Exchequer had the lion's share. Such a principle is a well-established principle and every European is aware of it. A death duty generally amounts to 20, 30 or 40 per cent. according to the value of the estate and yet nobody grumbles at it. It is not a socialistic legislation at all. This legislation was passed in England in 1872 or thereabouts, and the rich people as represented by their party in power volunteered to divest themselves of a portion of wealth for the benefit of the community after death. I cannot offer my congratulations, however, to the Hon'ble Member because the duty he now proposes is so very small. The social conditions in Bengal, I consider to be most suitable for the imposition of such a duty because thousands of estates practically dwindle away because there are no successors. The number of succession suits in Bengal shows what a tremendous amount of money goes to the pockets of lawyers, solicitors and agents and there are scores of cases within last ten years which are taken to the Privy Council in England involving heavy law costs. Only the other day there was a well-known case about the succession to the *gadi*, of Jharia the richest colliery area in Bengal. Then there is the question of adoption of sons. We know how most of the adopted sons spend their lives in this country and why they are the butts of many jokes in our talks. I think many people would honestly confess that

this piece of legislation will not harm anybody as all estates worth less than 2½ lacs are exempted. We know that agents, lawyers and hangers-on of these big estates do make good money. I think therefore that Government should have a small share and that this piece of taxation legislation will be the forerunner of a feasible Death Duty Tax.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I am not opposed on principle to a tax on succession to large properties, but I am opposed to this Bill for several reasons which are very different from those which have been advanced by some other speakers. I am not one of those, also, who believe that Government have no right to impose more taxes. If the Government so choose they can find most beneficent employment for a great deal more of funds by way of revenue; and for that purpose I would not hesitate to vote for additional taxation even to the extent of supporting Mr. K. C. Ray Chowdhury in his proposal for imposing death duties, or even a capital levy for the matter of that. But I object to this sort of hasty and nervous legislation for taxation—legislation which is not based on any well-conceived or well-considered principle. On the face of it, Sir, it looks as if persons leaving large properties are going to be taxed for the benefit of the State, that is to say, for the benefit of the community in general. But when we inquire to what extent we shall be benefited by it and what will be the income that will come to us from this taxation, we are left in the region of speculation. Large estates of the value of Rs. 2½ lakhs and upwards do not come up for probate or letters of administration every day, or every year—every year there may be some, but we cannot calculate on the chances. A legislation imposing taxes which are entirely proplematic in their yield is not a sound and sensible way of solving financial difficulties. Sir, if Government want funds, it is necessary that all possible resources should be carefully examined and a sound principle of taxation arrived at. If Government had proceeded in that way, I should not be surprised if they would find other sources which would surely yield a more substantial income—an income upon which we could base our calculations in the future instead of more or less carrying on speculation of the type that goes on in the Calcutta Bazars.

Mr. Thompson yesterday, in supporting another taxation Bill, gave arguments which would go against every one of these Bills, including this one. He suggested numerous other sources of income which are well worth considering. We are not aware how far Government have investigated these possible sources.

Then, Sir, there is another aspect of the question. In imposing taxation we ought to be careful to see that we are not imposing tax

which simply impoverishes the people. For instance, if by any legislation we are going to give more wealth to the people, taxation of that wealth would be a much better thing than taxation of other wealth. While the one would be beneficent, the other might be injurious. All these schemes of taxation which the Government want to impose are taxations based upon what is, at any rate, the present attenuated income of the people. It would be taxation of the poor—every one of them. For poverty is more or less a relative term. A man who earns a lakh finds himself in difficulty when he is earning a thousand. Well, he is still richer than the poor man, who earns only a hundred: still he is in difficulty. And to impose a tax upon him at that date will really become a burden. All the schemes of taxation brought forward before us are taxations of the present attenuated incomes of the people. There are no schemes of the other kind before the Government. The Governmen in their wide imagination cannot find a way by which the wealth of the people can be increased. If they did so, they would find at once an opening for taxation. For instance, by a piece of legislation which I had the honour to suggest, the Government could effectively raise the price of jute, which would have the effect of putting about Rs. 20 crores a year into the pockets of the people, and the Government, by taxation, could have got a revenue to the extent of Rs. 5 crores without harming anybody. This is not the only instance of taxes which could be got out of the increased income created by Government's activities

Sir, there are other avenues which might be tapped. A great deal of money nominally passes hands in the Bazars of Calcutta every day—almost fabulous amounts of wealth. A small *ad valorem* duty on the contracts relating to futures and stock-jobbing contracts would yield a considerable amount of money. And these would be taxations where the burden would not be felt. These are only by way of illustration. I think that a really imaginative financial policy would be able to find much less offensive and certainly surer sources of income than this piece of legislation. I should have been quite happy to give my support to Government in their efforts to impose a tax entirely on the rich people, the yield from which could be utilized for the benefit of the community, and, pre-eminently, for the benefit of the poor. And, here I come to the last criticism that I want to make. Here we come across a difficulty in that this tax is being levied on the rich not for the benefit of the poor but to replenish an impoverished exchequer—to replenish the exchequer in order to enable them to meet an expenditure which they might have avoided, and which was not necessary. I am referring to the expenditure, upon which much has been said, viz., the restoration of the 5 per cent. salary cut. The Hon'ble Sir John Woodhead told us yesterday that the Government of Bengal are helpless in this respect. Possibly, they are. But it is not likely that the Government of India who had restored the cut would have done so

in the face of strong opposition from the Government of Bengal. If the Government of India did so, the answer to their demand for new taxation would have been that we could not tax ourselves to raise this additional sum.

Sir John Woodhead yesterday tried to place this 17 lakhs of rupees not against the taxes to be levied, but he placed it against the deficit balance that yet remained. I cannot understand his calculation. The deficit balance could have been reduced if that 17 lakhs did not exist, but surely he does not think this 24½ lakhs would be earmarked for purposes other than meeting the expenditure of 17 lakhs. There is no earmarking, no division by compartments. All this money is to go to the general exchequer, and the general exchequer will pay all expenses including this 17 lakhs. Therefore there is no sense in saying that 17 lakhs forms part of the deficit which has yet to be covered and not of the revenue covered by these taxes. That is fallacious. Therefore, Sir, the imposition of the taxation which is otherwise objectionable, at a time when the Government is indulging in additional expenditure which might be avoided, cannot be supported. I quite understand if the Government had done all that it could to retrench and then found it impossible to meet its expenditure, and there was no hope of getting anything from the Government of India, then there would be some justification for this taxation. It has been said that Bombay and the other provinces have introduced new taxations, but it is forgotten that Bombay has also cut down the size of the Cabinet. The Bengal Government has not yet done so. For all these reasons I submit that this is not a legislation which we can support.

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I rise to oppose the taxation proposals. I am sorry I cannot follow the advice of the Hon'ble Sir John Woodhead. I believe if he was in our position, and if there was no limitation to his discretion, he would have done the very same thing. Taxation in whatever shape it may be, affects all, whether rich or poor. Mr. Thompson yesterday very generously pointed out that the major portion shall have to be paid by his community, the commercial class, and therefore we need not bother about it. I do not understand that it is really so. If the commercial community is to pay anything, I think it would be raised by raising the price of ordinary commodities. If the *zemindars* and other well-to-do people are taxed, either they will realise the amount from their tenants or by a reduction of their staff, or by curtailing their charitable expenses. Anyway, if there be any difficulty the money cannot be raised by selling the property, but will be obtained by curtailing expenses, so that, whatever the tax may be, it really affects all communities. I do not for a moment say that Government should not tax the people. It can be done by all means if there is any special reason for it. We were told that we must regulate our house. Is it the house which we occupy now

that should be maintained in proper order? Our house was Bengal, Bihar and Orissa with a Chief Commissioner for Assam. That house has been distributed, mutiliated mercilessly, and we have been deprived of the other parts of the house. Whereas under the former state of things a Lieutenant-Governor could rule the whole province of Bengal, Bihar and Orissa; now though the territory has been partitioned, our expenditure has increased by leaps and bounds,—a Governor with higher pay and 7 Executive Members and Ministers and Secretaries and other paraphernalia. In this way the expenditure has gone up. If this extraordinary expenditure is the creation of Government, it is for the Government to maintain it properly. It was therefore that even Lord Meston in his award on a wrong calculation came to the conclusion that for Bengal there would be a surplus of revenue by 1 crore 4 lakhs, and out of that he thought that the Government of India should get 63 lakhs, and 41 lakhs should be reserved for the province to carry on the Government, and the development of the province. It was a mistake on his part, because very soon it was found out that there was a deficit of 1 and a half crores, and that amount had to be raised by taxation. My friend Mr Bose yesterday showed under what circumstances and with what assurance from Government that was done. It was held out to us that as soon as Government would be able to meet the ordinary expenditure of Government from its normal revenue it would be set apart for nation building. But that was not done. It has, on the contrary, been shown by Sir John Woodhead that there is a deficit of 2 crores and 28 lakhs. It is really not so. It is really that amount plus a deficit over and above the amount now swallowed up for the ordinary administration which was raised by additional taxation on stamps, court-fees and amusements. But if there is a special necessity for taxation, of course it can be raised. For instance, if a war breaks out, it is our duty to find the money anyhow. It is not a question whether it should be done or not. It should be done if there is any special necessity for it. Now, according to the statement of Sir John Woodhead there would be a deficit of 38 lakhs in addition to the grant of a crore and a half. Even by the imposition of these taxes, this deficit cannot be met. It has been shown that the major portion of the revenue from this taxation is to go towards the restoration of the cut in the pay of Government servants. Is it reasonable? The other provinces may do it, the Government of India may do it, but if we have not got the money, how can we do it? There is a proposal that it should be done, but we cannot take the whole blame upon us by allowing the cut to be restored. It is a misfortune that in the dyarchical form of Government, whenever any question arises, that side which is supported by Government wins. Yesterday there was a majority defeating our opposition, but was it really a majority? If you take away the Government servants and the nominated block, I think there will be a minority (A VOICE: Why?), because they are the

creatures of Government and have to depend upon the mercy of the Government. Therefore if this is done, there will be a majority for us. Unfortunately, as the Constitution is, we are helpless, and that motion was carried by a majority in this way. That is no reason why we should not have our say, and why we should not record our emphatic protest at the manner in which it is being carried out. I would have been very glad to support Government, but I am sorry I cannot do so. As circumstances are, it is impossible for us to bear the burden, and we do not know, Sir, what will come hereafter. For instance, at the Silver Jubilee people shall have to spend a good deal, but anyhow we will do it. We are asked to support Government, but Government is spending money as it likes, and we are asked to meet this by either curtailing expenditure on nation-building departments or by the imposition of new taxes. Government should consider whether for the ordinary purposes of Government, the people should be taxed in the way it is being done. So I think it is high time for us to record our protest, and we should not be a party to the imposition of these taxes. Whatever may be the views of others, whether the tobacco tax affects the poorer section or the more wealthy people, my idea is whatever may be the form of taxation, it affects all communities. I am not a student of Economics, but my idea is that this is the way in which we should look upon fresh taxation. I therefore hope that Government will reconsider the situation. Relief to the Province is urgently necessary, it must be done, but for the ordinary purposes of administration people should not be taxed. If there is any special need for it, we shall be very glad to do so, but, as things are, we must protest against this taxation and try our best to persuade Government to abandon this. In this view I oppose the motion.

**Mr. S. M. BOSE:** Sir, yesterday I explained as clearly as I could why I am totally and entirely opposed to all these Bills. In my opinion, the reason put forward as to why we should support these Bills, namely, that otherwise we shall lose this jute export duty, is, I still maintain, absolutely unsound. We are absolutely sure of this jute export duty and I am not inclined to pay much heed to what is something like a threat. I suspect that the Government of India want us to tax ourselves in order that the ultimate share payable to Bengal may be less. Apart from that argument, I maintain that it is unwise to tax all available sources of revenue at the present moment. We should leave something for taxation under the new constitution. It is unwise, because it is uncalled for now to tap these sources of revenue. I believe it was Carnegie who said that to die rich is to die disgraced. That seems to be at the bottom of the Bill, because it aims at extinguishing the class of the rich and so, to remove any chance of disgrace. Fortunately, I do not belong to that class, but standing as a

member of the Bengal Legislative Council I claim to represent the rich, the poor, the middle class, the *zemindar* and the tenant, and so I may say a few words on behalf of the rich. We are told that we must not kill the goose that lays the golden egg. But Sir John Woodhead wants to kill the rich men and then wants to extract the golden egg out of them or their estates. I maintain that to be rich is not a crime. In Bengal especially, where a man has to meet his various obligations due to joint family system and other reasons, it is his duty to try to accumulate money. Wealth is a concentrated form of energy accumulated by the labour of somebody or other. Just as a dam which stores up a large quantity of water which is subsequently released to generate electricity, similarly a rich man acts like a dam to store up money, and he performs, I maintain, useful work. He is therefore not to be regarded as an untouchable and hounded out of existence. He does, I submit, real service to the State. We are all aware that in many cases the rich man has been the means of developing trade and industry, and the world I think owes a debt of gratitude to rich men who have worked for the uplift of the nation. I therefore submit that the rich should not be unduly pressed. I find from the Government communiqué that the amount expected from this Court-fee (Bengal Amendment) Bill is 3½ lakhs. I wonder how this figure has been arrived at. I find that the tax on an estate worth Rs. 4 lakhs would be according to this new scale Rs. 18,000 only. Does Sir John Woodhead expect at least 21 rich men to die in one single year? I would like to know how many men worth Rs 4 lakhs have died during the last four years. I think the amount which can be reasonably expected would be very very small. For all these reasons I think this Bill is unwise and I oppose it.

**The Hon'ble Sir JOHN WOODHEAD:** Sir, I propose to deal first with the motion for circulation. Mr. Banerji who moved that motion admitted that he was moving it purely with the object of creating delay, putting off the evil day, the day on which this obnoxious Bill will come into operation and hit the poor landlord. I was a little surprised when Mr. P. Banerji shed crocodile tears for the poor landlords who leave property more than 2½ lakhs. The Raja Bahadur of Nashipur supported Mr. Banerji's motion for delay apparently on the ground that it would be better to wait and see what happens after the Bill has been circulated, what the Government of India will do and what the Central Legislature will do. He argued that if they do not insist on the condition laid down last March, we shall be assured of half the proceeds of the jute duty and need not proceed with the taxation measures. But does anybody in this House believe that the Government of India and the Central Legislature having imposed this condition will abandon it and not attempt to insist on its fulfilment? Cannot they also play at the game of wait and see? The object of the

motion for circulation is certainly not to obtain the views of other people; it is admittedly and purely a dilatory motion and I must oppose it.

Then to come to the main motion itself. When taxation is in the air, it is surprising how many people become "poor" people. But, it is difficult to persuade one's self that the gentleman who leaves an estate worth Rs. 2½ lakhs is a poor man. Certainly, Sir, I shall not consider myself a poor man if I leave 2½ lakhs of rupees. Another suggestion of a different kind came from Mr. Sarat Kumar Roy. His proposal was that instead of raising money by means of the probate duty, Government should engage in the business of selling quinine at a good profit. On Monday last the House had before it a resolution dealing with quinine and on that occasion many speakers spoke to the exactly opposite effect. I wonder what the House would have said if I had suggested that we should raise money by making more profit than we are now making out of quinine.

I could not follow the Raja Bahadur of Nashipur when he spoke of the *zemindars* paying one crore as road cess. I have an idea that the total amount of road cess realised is about a crore but surely the whole of it does not come from the profits of the *zemindars;* it comes from somebody else's pockets as well.

Then let us examine the proposed taxation. It is proposed to increase the court-fees payable on probates, letters of administration and succession certificates to a maximum of 7 per cent., and this 7 per cent. rate applies only when the man leaves property worth more than Rs. 5 lakhs. Compare that duty with what is levied in many other countries particularly in the countries of the West: it is extraordinarily small in comparison with the duties payable in those countries. Mr. S. M. Bose seems to think that a 7 per cent duty will spell ruin to an enormous number of families. Surely that is a very exaggerated view of the matter. I have not yet heard of any family being "killed" in Bengal by the probate duty, but I have certainly seen our revenues assisted very materially by the court-fees paid on the estates left by wealthy people. He asked me how I calculated the estimated increase in revenue of Rs. 3½ lakhs. It is difficult to estimate the revenue in any particular year from the court-fees payable on probates, etc., yet if 7 per cent. instead of 5 per cent. had been the rate 6 or 7 years ago, we certainly should have realized during these 6 or 7 years many lakhs of rupees of additional revenue. Mr. S. M. Bose talked about rich men being hounded out of existence, but will 7 per cent. hound anybody out of existence? In the case of my own estate my heirs and successors will have to pay duty in excess of 7 per cent., because unfortunately, as I am domiciled in England, my estate will be

subject to the rate of duty prevailing in the United Kingdom, but I do not expect that my heirs and successors will be hounded out of existence.

A lot has been said to-day and yesterday about the "happy" days when there was a Lieutenant-Governor in this province, and a contrast has been drawn between the staff employed in those days of "long ago" with the staff required to-day. But do members of the House never consider how many hours I, for instance, have spent sitting in this Council; how many hours I have spent thinking over the points which may be raised in the course of the debates and preparing myself to reply to those points? If I were in the happy days of the Lieutenant-Governors, I could have disposed of these taxation Bills, figuratively speaking, "in ten minutes" and spent the remaining hours in other work. If you wish to go back to the days when a smaller staff sufficed, you must abandon the idea of a democratic Government. Do members never think how many hours are spent in preparing answers to questions and dealing with resolutions? I do not grumble at the work involved, it is inevitable, but I do want it to be recognised that it is futile to compare the staff required to-day with the staff that was required under an entirely different system of Government in the days of the Lieutenant-Governors.

Dr. Naresh Chandra Sen Gupta gave us a long discourse on what would be a properly developed plan of taxation. I found it difficult to follow him, and it appeared to me that his plan amounted to nothing more than this, put more money into the pockets of the cultivators by raising the price of jute and then proceed to take more money out of those pockets. I have sometimes wondered whether it would be possible to suggest a duty payable by the successful authors of popular books.

Dr. Naresh Sen Gupta had also something to say about the restoration of the 5 per cent. cut in pay. On that point I have nothing to say beyond what I said yesterday. Our total deficit is in the region of Rs. 70 lakhs and the revenue which we hope to raise from these taxation measures is about Rs. 24 lakhs. The difference is Rs. 45 lakhs and I still maintain that the Rs. 17 lakhs, the cost of the restoration of the cut in pay, is included in this balance of Rs. 45 lakhs.

Sir, I have very little more to say. It is interesting for me sitting here to watch how the attitude of members towards these taxation measures varies; persons whose pockets are likely to be touched by the measure now under discussion are in strong opposition while those whose pockets are likely to escape, though not necessarily supporting, have not waxed so warm in their opposition. But look at the taxation; what is it? It is certainly not heavy; not anything like as heavy as in many other countries. In some ways I would have preferred to have put forward a wider measure—a measure more in line with the system of estate duties prevailing in other countries—but there are great

difficulties in the way of a measure of that kind. And first and foremos is the difficulty that under the new constitution death duties on pro perty other than land will be a Central subject. The taxation measur that I am proposing to-day is a very modest one; it will certainly no "kill" the gentlemen whom Mr. S. M. Bose described as laying th golden eggs. Sir, I oppose the motion for circulation.

Mr. P. Banerji's motion that the Court-fees (Bengal Amendment Bill, 1935, be circulated for the purpose of eliciting opinion thereon by the end of June, 1935, was then put and a division taken with the following result:—

**AYES.**

Ali, Maulvi Hassan.
Bai, Babu Lalit Kumar.
Bai, Rai Sahib Sarat Chandra.
Banerji, Mr. P.
Barma, Babu Promhari.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhari, Dr. Jogendra Chandra.
Chaudhari, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Chaudhary, Maulvi Nurul Absar.
Das, Rai Bahadur Satyendra Kumar.
Guha, Babu Pratulla Kumar.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Nag, Babu Sah Lal.
Paddar, Mr. Ananda Mohan.
Quasem, Maulvi Abul.
Rai Mahasai, Manindra Deb.
Raut, Babu Hemai.
Ray, Babu Haribansa.
Ray, Mr. Sarat Kumar.
Saadatullah, Maulvi Muhammad.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.
Sulaiman, Maulvi Muhammad.

**NOES.**

Afzal, Nawabzada Khwaja Mohammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Armstrong, Mr. W. L.
Bakth, Maulvi Syed Majid.
Barma, Rai Sahib Panchanan.
Benjamin, Mr. H. D.
Blandy, Mr. E. N.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimezzaman.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Das, Babu Haraprasad.
Dutt, Mr. G. S.
Gusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Ghose, Rai Bahadur Saroshi Kumar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Hakim, Maulvi Abdul.
Hoque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Haman, Mr. P. T.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Nazeer Rahman.
Khan, Maulvi Tamizuddin.
Lockhart, Mr. A. R. E.
Martin, Mr. O. M.
McCluskie, Mr. E. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhyaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B.A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja.
Nicholl, Mr. G. K.
Norton, Mr. H. R.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J. G.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Mr. S. R.
Shah, Maulvi Abdul Hamid.
Suhrawardy, Mr. H. S.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deS.
Woodhead, the Hon'ble Sir John.

The Ayes being 29 and the Noes 60 the motion was lost.

**Mr. PRESIDENT:** Three amendments have been tabled with regard to the personnel of the Select Committee. Two of them are not in order because the consent of the members mentioned therein by the intending movers thereof has not been received. With regard to the motion tabled by Mr. Ananda Mohan Poddar it is in order and may be moved.

**Mr. ANANDA MOHAN PODDAR:** Sir, I do not move the motion.

Then the original motion of the Hon'ble Sir John Woodhead that the Court-fees (Bengal Amendment) Bill, 1935, be referred to a Select Committee consisting of—

(1) Mr. Narendra Kumar Basu,

(2) Babu Jatindra Nath Basu,

(3) Babu Amulyadhan Ray,

(4) Mr. S. M. Bose,

(5) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,

(6) Maulvi Tamizuddin Khan,

(7) Khan Sahib Maulvi Mohammad Basir Uddin,

(8) Babu Sarat Chandra Mittra,

(9) Rai Sahib Akshoy Kumar Sen,

(10) Mr. D. Gladding,

(11) Mr. W. H. Thompson,

(12) Rai Bahadur Satish Chandra Mukherji,

(13) Mr. A. deC. Williams,

(14) Maharaja Sris Chandra Nandy, of Kasimbazar, and

(15) the mover,

with instruction to submit their report by the 9th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five, was put and agreed to.

## The Bengal Tobacco (Sales Licensing Bill), 1935.

**The Hon'ble Sir JOHN WOODHEAD:** Sir, I beg to introduce a Bill to provide for the imposition of a fee for license to sell tobacco in Bengal.

The Secretary read the short title of the Bill.

**The Hon'ble Sir JOHN WOODHEAD:** Sir, I also beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Babu Hem Chandra Roy Choudhuri,
(2) Dr. Naresh Chandra Sen Gupta,
(3) Maulvi Tamizuddin Khan,
(4) Maulvi Abdul Hamid Shah,
(5) Rai Sahib Panchanan Barma,
(6) Rai Bahadur Satya Kinkar Sahana,
(7) Maulvi Abul Kasem,
(8) Mr. D. Gladding,
(9) Mr. A. deC. Williams,
(10) Mr. Sarat Kumar Roy,
(11) Nawabzada Khwaja Muhammad Afzal, Khan Bahadur,
(12) Mr. H. R. Norton,
(13) Mr. Dhirendra Nath Mukharji,
(14) Mr. Saileswar Singh Roy, and
(15) the mover,

with instruction to submit their report by the 9th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The internal taxation of tobacco in India has been a subject of discussion for several years. In 1926 the matter was examined by the Indian Taxation Enquiry Committee which favoured excises levied on the output of factories combined with a system of licensing the sale of tobacco grown in India. Subsequent to the Report of the Taxation Enquiry Committee the subject was examined in correspondence between the Government of India and local Governments and was discussed at several conferences convened by the Government of India and attended by representatives from the Provinces. The last conference was held in January, 1932, and the conclusions reached as a result of the discussions at that conference and further correspondence between the Central and Provincial Governments were, first, that an excise duty on the manufactured product presented serious difficulties, and secondly, that if revenue was to be raised by the taxation of tobacco the most practical method was by a system of licensing of vend. This is the system adopted in this Bill.

2. Tobacco is subject to internal taxation in most countries of the world and in several parts of India. Members of the Council will find very interesting information on this subject of the taxation of tobacco in different countries in one of the appendices to the Report of the

Indian Taxation Enquiry Committee. In India itself some form of taxation is in force in the Presidency of Bombay, the Punjab, French India, Portuguese India and in many of the Indian States. In Bombay City a system of taxation has been in force since 1857. Under this system all tobacco imported into the town of Bombay and intended for consumption therein is subject to a town duty of Rs. 30 a maund and retail sale is permitted under licence on payment of a nominal fee of Re. 1 per annum. In 1933 the Bombay (District) Tobacco Bill was passed into law. This law, which applies to the whole of the Presidency of Bombay, except the City of Bombay, requires licences to be taken out for the sale of tobacco and provides for the levy of licence fees on both wholesale and retail vend. A similar measure was passed into law in the Punjab in 1934. This Act, which also requires licences to be taken out for the sale of tobacco, extends not to the whole province but to municipalities, notified areas, small towns, cantonments and railway stations. In French India, including Chandernagore, the privilege of the vend of tobacco is sold by auction under conditions which give each shop a practical monopoly of a local area, and in Portuguese India a licence fee is charged for wholesale or retail vend. In the Indian States the commonest form of taxation is an import duty which in a few cases is coupled with a tax on local production, but more often with a system of licensing of vend. In Travancore and Cochin the cultivation of tobacco is prohibited; in the former a duty is levied on tobacco entering the State, while in the latter both wholesale and retail shops are sold by auction. And finally it may be of interest to Members of the House to know that the Conference, which considered the possible future sources of revenue for the new Province of Sind, recommended the imposition of a licence fee on the sale of tobacco as a suitable measure for raising revenue for the new Province.

3. I now turn to the Bill itself. The operative clauses of the Bill require every person who wishes to sell tobacco to take out a licence but expressly provides that cultivators of tobacco may sell the produce of their own cultivation without taking out a licence; in fact, the Bill places no restrictions whatsoever on the sale by the cultivator of tobacco grown by himself or by hired labour. The amount of fees will be fixed by rule. The fees which it is proposed to levy are very modest; wholesale licences Rs. 6 per annum, retail licences Rs. 3 per annum and hawkers' licences Re. 1 per annum. The other clauses of the Bill deal almost entirely with the machinery for administering the Bill and are based on similar sections in the Bengal Excise Act of 1909. The maximum penalty proposed for offences under the Bill is a fine of Rs. 100. The administrative machinery employed will in the main be the officers of the Excise Department. The Bill confers no powers on a police officer and the police will not be employed in the administration of the Act. Further, it is not the intention that vendors in the

mufassal areas should be required to attend the District or Subdivisional headquarters in order to obtain licences. Licences will be issued locally, by officers of the Excise Department and possibly by other local officers other than police officers.

It is difficult to estimate with accuracy the probable yield but on a rough estimate of the number of shops the gross revenue we are likely to obtain has been placed at Rs. 5 lakhs. The cost of collection is also difficult to estimate till we have gained experience but it is hoped that it will not be heavy, perhaps not in excess of Rs. 25,000 a year.

And, finally, one or two words about the incidence of the tax. The retail licence fee proposed is Rs. 3 a year or 4 annas a month. That, Sir, is a very small fee and I trust the House will agree with me that the burden on the consumer must surely be infinitesimally small.

Again, Sir, we propose to provide in the Rules for a class of retail vendors who sell in several markets or *hâts*. These persons sell in different *hâts* or markets on different days in the week. In order to make their position comparable with that of a man who has a permanent shop from which he sells throughout the week, it is proposed to issue a retail licence authorising the sale in different *hâts* or markets on different days in the week. For the moment I shall assume that the licensed vendor sells regularly in 4 markets and each of these markets meets once a week. He will get a licence which will cover the sale of tobacco in those 4 markets. That will permit him to sell in 4 markets and in each market 4 days in the month, *i.e.*, he will be able to sell on 16 days in the month, for which he will pay a licence fee equivalent to 4 annas a month, which works out at 1 pice a day, for 4 annas divided by 16 is one pice. That means that a man who earns his livelihood by selling tobacco in different markets on different days will be able to sell in 4 markets sitting once a week at a cost in licence fee of 1 pice a day.

Sir, there is also one other point which I should like to refer and that is that there is no intention to restrict the number of persons to whom licences will be issued. Everybody who pays the licence fee will automatically get a licence. Sir, I firmly believe that in view of the small fees that we propose to charge the burden on the consumer and also on the retail vendor will be extraordinarily small and certainly on the villager who grows his own tobacco there is no burden at all.

Sir, I commend my motion to the House.

**Mr. PRESIDENT:** I find that there are as many as four motions for the circulation of this Bill. I think we might stick to one of

them, as the motions are practically identical. If the House has no objection, we might take up the first motion which stands in the name of Mr. P. Banerji.

(The House agreed.)

**Mr. P. BANERJI:** Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1935.

Sir, in moving for the reference of the Bill to Select Committee, the Hon'ble Member in charge has as usual repeated the same old story, that in different parts of the world there is taxation of an identical nature. Well, Sir, he forgets that in Bengal we are differently situated. As I pointed out in the earlier part of the debate when I made a reference to the contribution to debate made by Mr. Thompson yesterday, that in Parliament no taxation Bill is sent out for circulation. Let us consider what is the position there. The position there is that the Government over there have to think several times before they can bring before Parliament any taxation Bill, because the Government there depend upon popular votes. Here things are quite different. Here the Government's rise or fall does not depend upon the will of the people. There the Government are responsible to the people, whereas Government here are most irresponsible. There the position is that Government have to give doles for unemployment. What is the position here? Do Government pay any doles for unemployment?

Sir, it may be remembered that during the *Swadeshi* movement in Bengal, *biri* manufactured from tobacco was first introduced, and as a result of that, thousands of pickpockets and other bad characters became settled in life by taking to this profession. If you go to the countryside, you will see that in the remotest parts of the villages, even helpless widows are now earning some money by making *biris* to maintain their children. As you are aware, Sir, only recently when there was a proposal in England for reducing the doles, a tremendous cry was raised in the Parliament. Sir, that was possible in the Mother of Parliaments, but we are not able to do a hundredth part of what is being done there. I, therefore, fail to understand why the Hon'ble Member cited cases which happened in Parliament for comparison. That comparison is not always applicable to a dependent country like ours. Sir, we have come here as the representatives of the people, but we have voted against the wishes of those very people. We have conveniently drifted towards the way in which the wind has blown. Sir, we have failed in our duty, but we shall always be defeated so long as the third party remains here and till we regain our freedom. But, Sir, circumstanced as we are to-day, and standing as we do now, we welcome our defeat.

Sir, we feel that tobacco is not a luxury. Tobacco is taken by about 85 per cent. of the agriculturists. In Bombay, when a person comes to one's house, he is offered *pan* and *supari*, but in Bengal tobacco is offered in addition. Therefore, Sir, tobacco is a much more important commodity in Bengal than it is in Bombay. I have already said that tobacco is taken by 85 per cent. of the agriculturists who are very poor men. Sir, the Hon'ble Finance Member has just remarked that I was shedding crocodile tears for the *zemindars*. But what is he doing here now? Here he is going to tax the very poorest people. So far as these taxation measures are concerned, our position is quite clear. We are opposed to them on principle.

Sir, the Hon'ble Finance Member made a reference to other countries, and even to Chandernagore. What is the position there? In Chandernagore, all commodities including tobacco are selling cheaper than here. Then, Sir, the Hon'ble Member has said that the police will not be requisitioned in connection with the administration of this Act when passed. Sir, we find an expert Excise officer here in the person of Mr. D. N. Mukherji, but I do not know what expert knowledge is required. Perhaps after the Bill is passed, the Hon'ble Member will come to us again saying that the expert has suggested that such and such thing must be done, and it must come under the Excise Act, and that Government has decided to accept the expert's opinion. That has always been the nature of Government. It is a feeder only for other things to come. Once you pass a Bill, the very next day, Government comes with an amending Bill. Therefore, Sir, I do not attach much importance to the statement of the Hon'ble Member that the police will not be requisitioned.

I shall now bring to your notice Government's apathy in the matter of foreign competition with Indian industries. Everybody knows the Virginia Mansion on Chowringhee which is competing with locally manufactured *biri* using all bad stuff injurious to health, and Government has done nothing to prevent it from doing so. Over and above this competition, the *biri* industry which is a source of income to very poor men has to be taxed for bringing additional revenue to Government.

I move, Sir, that the Bill be circulated for eliciting public opinion thereon.

**Mr. NARENDRA KUMAR BASU:** In rising to oppose the motion moved by the Hon'ble Finance Member for reference of this Bill to Select Committee, and to support the amendment moved by my friend on my left, I must say that I was very much surprised at the remarks made by the Hon'ble Finance Member yesterday in resisting the motion to circulate the first Bill, the Electricity Duty Bill. Sir, I

knew that the Government of Bengal was contemptuous of the opinion of this House. Witness their treatment of several resolutions accepted by the House. Witness their treatment of the latest accepted resolution for the formation of an Advisory Board under the Electricity Act, but I did not know that Sir John Woodhead, the Finance Member, was so contemptuous of the opinion of the people outside this House. He said yesterday, what is the use of sending these Bills out to the country for opinion. The opinion is known. People will suffer and will have to pay under these Bills, and as they will certainly oppose them, there is no use sending these Bills out to the country to elicit public opinion. I submit that is certainly not the position that ought to have been taken by him. Here is a Bill which hits even the poorest of the land. It is no use denying that tobacco to the Bengal peasant is not a luxury. In most cases it is their only solace after a hard day's labour, and I submit, Sir, to tax the tobacco of the agriculturists of Bengal is a cruel performance. To what straits have the Government been reduced? They have cited the example of Portuguese India and Cochin and Travancore as models for their taxation. They say that in Bombay tobacco is taxed and taxed heavily, that the import duty on tobacco is Rs. 30 per maund or something to that effect. Well, Sir, I can tell you that as all of you know, tobacco smoking at least is not the practice in Bombay as it is in Bengal, and as for the *hookah* tobacco in Bombay, I can tell you, Sir, from my personal experience it is almost as rare as a fur coat in Bengal. When I was in Bombay about 2 or 3 months ago it took me 8 days to find out one shop which sold *hookah* tobacco, and the quality sold to me for one rupee a seer was not worth 6 pice here. They can therefore afford to tax tobacco without hitting the rural population, and I would like to know in this connection what amount Bombay has realised out of their precious tax on tobacco. We have not got any figures, but I am sure the figure must be infinitesimally small. Be that as it may, conditions in Bombay are different from conditions in Bengal so far as this taxation is concerned, and to say that we are not going to tax the poor people of Bengal, because this is a tax only on retailers and hawkers, is, I submit, simply a mere eye-wash. Sir, as a matter of fact, who are the wholesale dealers under this Bill? Take *biris* for instance. The poorest man who sells 1,000 *biris* is a wholesale dealer. Take *dokta*, a man who sells one seer is a wholesale dealer. Take cigars and *cheroots*, a man who sells 250 or 5 boxes of 50 each is a wholesaler. Take *surti*, the man who sells one seer is a wholesale dealer. That is to say, the vast majority of tobacco shopkeepers in the mufassal and in the villages would be wholesale dealers and would have to pay Rs. 6 — —

**The Hon'ble Sir JOHN WOODHEAD:** May I interrupt Mr. Basu, Sir? I would refer him to clause 3 of the Bill.

**Mr. NARENDRA KUMAR BASU:** Clause 3 says—

(1) A person shall be deemed to sell tobacco wholesale when he sells to any one person, at any one transaction, or within the prescribed period of time, a quantity of any of the articles mentioned in the first column of the schedule which is in excess of the quantity mentioned in the corresponding item in the second column of the said schedule.

(2) The Local Government may, by notification in the "Calcutta Gazette," alter, delete or add to all or any of the items in the second column of the schedule, and any such alteration, deletion or addition shall take effect as if it had been made by this Act.

(3) A person shall be deemed to sell tobacco retail when he sells tobacco otherwise than wholesale.

That is to say, we are asked to make over to the Executive the power to alter even these quantities, and to say that the sale of 5 cigars would be a wholesale transaction. That is the section to which the Hon'ble Finance Member has drawn the attention of the House, and I am thankful to him. What we are asked to say is that any sale of tobacco may at any time at the sweet will of the Executive government be said to be a wholesale transaction. (A VOICE: "That should be deleted.") Then so far as the merits of the case are concerned, let us see how the Hon'ble Finance Member makes out that it does not touch the poor. It is said that the license fee for hawkers of tobacco would be Re. 1 a year. Well, speaking for myself, Sir, I have spent some time in Bengal villages, but I do not know of any hawkers of tobacco in villages; they are shopkeepers who sell either retail or wholesale. So far as retail sellers are concerned, the license fee would be Rs. 3 a year or 4 annas a month, but we all know that when a license fee is imposed upon any dealer the price of the article does not rise in exact mathematical proportion to the license fee imposed. It is very well known to the Hon'ble Finance Member that when the salt tax is enhanced or decreased, the price of salt does not go up or down in exact mathematical proportion to the tax imposed. Similarly, Sir, in the case of an article of such universal use in Bengal as tobacco, you can take it that the price will not be increased by about half a pice a month on the consumption, or half a pice on 5 seers, but the price will go up by a much bigger proportion and this is bound to hit the very poorest customer of tobacco. Then coming to the question as to whether it is any use proceeding with this Bill, you will find that according to the Hon'ble Member the estimated yield in a full year would be about Rs. 5 lakhs, and I venture to think that that is very much an overestimate, because as a matter of fact the cost of collection

of this licence tax would be enormous. Unless you take to certain measures which are well known to the people of this province to administer this Bill when it is passed into law, there is bound to be as much trouble in making these collections as you can imagine, and there is very little sop to be obtained in the assurance from the Hon'ble Member that the police will have nothing to do with them. As a matter of fact those who have access to law courts know that the subordinate officials of the Excise Department, like those of the police, they are fully oppressive, if not more, as the subordinate police officers. It is well known that like the police clubs in the mufassal towns there are excise clubs where these excise men congregate, and the way in which they have extorted confessions from the people is well known to the High Court who have ruled that any confession made to an excise official will not be admissible in evidence It is the Excise Department that will administer this Bill, and that I submit presupposes that the Hon'ble Member apprehends that there is bound to be trouble in administering the provisions of this Bill. I submit that for a paltry sum of about Rs. 2 lakhs or so, because I take it that the cost of realising the tax from all over Bengal would be very much higher and the yield is bound to be smaller—for the sake of such a paltry sum this Council ought not to give its imprimatur to this legislation I therefore oppose the motion of the Hon'ble Member

**Babu AMULYADHAN RAY:** Sir, I oppose the motion which provides for the imposition of a fee for license to sell tobacco and support the amendment of Mr P. Banerji By bringing this Bill before the Council Sir John Woodhead is acting against what he said yesterday. He said that the Electricity Bill would not hit the poor, but I ask him seriously whether this Bill would affect the poor or not. However, in all seriousness and frankness I must admit that the Government of Bengal are really suffering from financial difficulties and they must find out money to carry on the administration which cannot go on for all time by borrowing But may I ask Sir John Woodhead who is responsible for this financial stringency? Is it not a fact that the abnormal rise in expenditure in running the general administration of the country, the highest scale of pay that is unnecessarily given to the public servants of this poor country, the injustice done by the Meston settlement and the folly of Lord Cornwallis in fixing the Permanent Settlement in perpetuity and the inability of the Treasury bench to find out a better market for the agricultural produce have put this country in a state of bankruptcy? Without trying to remove these root causes of Bengal's poverty Sir John Woodhead has chosen to impose fresh taxation which will lead us to a situation, the disastrous results of which can better be imagined than described. It has been said that the object of this Bill is to provide additional revenues in order to remove the existing deficit in the budget. If that is so, then

why should the Hon'ble Member be unwilling to accept the recommendations of the Retrenchment Committee *in toto*? Why are the Government going to restore the pay-cut of the officials? Sir John Woodhead by way of a challenge yesterday asked the Council whether they would agree to the proposals of the Retrenchment Committee regarding the abolition of certain industrial institutions. Well, the Council may not agree to a proposal which would affect the poorest of the *poor*, but I am sure the Council would be unanimous in giving their verdict for the abolition of the posts of Divisional Commissioners, if Sir John Woodhead would come to the Council with such a proposal. Then I would ask Sir John Woodhead whether he would be right in going back to the old scales of pay given to the public officials. I pause for an answer. Lastly, I will ask him if he is willing to tax the Tramway Co. who are in a better position to pay taxes.

**The Hon'ble Sir JOHN WOODHEAD:** Do they sell tobacco?

**Babu AMULYADHAN RAY:** I am sure Sir John Woodhead would not be able to tax that company but would tax the poorest of the poor. In view of these facts the Council ought to throw out this Bill.

Maulvi Abdul Hamid Shah addressed the Council in Bengali. The following is a translation of his speech:—

Mr. President, the Bengal Government has brought forward five Bills for fresh taxation. I regard them as a bolt from the blue; especially so is the tobacco Bill which I propose to discuss. It will affect everybody the dweller in the poorest cottage as much as the tenant of the most palatial houses Tobacco, though not counted among the foodstuffs, has a close relation to the body and the mind of the Bengalees. Some eat it in the shape of *Surti* and *Zarda* and the others the eighty per cent. of the Bengalees—those who toil day and night, the peasant and the labourer - take it in the form of smoke. I pray the Finance Member that even though he has to turn a thunder-despatcher in order to save the very being of the Bengal Government, I pray that he may yet have compassion for the pale and tired looks of the poor agriculturist and labourer and refrain from discharging this bolt against them. I believe that if this deadly bolt is withheld my countrymen may possibly take the other four discharges and live. Probably some will think that I am devising this argument to save the peasant and labourer at the expense of others. Such an impression will be false because the ultimate incidence of the taxes imposed by the Electricity Bill, Stamp Bill, Amusement Bill, except those levied by Court-fees Bill, will certainly fall on the labourers and the agriculturists. Take for example the case of the Electricity Bill. Electricity is consumed generally at seats of Government like Calcutta or in places of business. It is the lawyer, and the doctor and the businessman who

consume this commodity. The clients of lawyers, the patients of the doctors and the buyers of goods from the businessman—all belong ultimately to these classes and they will ultimately pay these taxes. Mr. A. W. Thompson has said that more than half the taxes contemplated by the Electricity Bill would be borne by the Europeans. It will not need much effort for a man of his understanding to see that the ultimate incidence is on the poor agriculturist and labourer. And still thanks are due to the Europeans for their anxiety they have evinced for good government. Then comes the Stamp Bill. Half of its incidence will fall directly and the other half indirectly on the poorest classes. Lastly, to take the Amusement Bill, there is absolutely no doubt that the whole incidence of its taxes will be on these classes. Because these classes only buy tickets of less than eight annas. The cinema has now spread into mufassal towns and villages and serves for the daily amusement of the poor village agriculturists. If the Finance Member considers all sides of the question and relieves my poor countrymen of this tobacco duty he may help to save much. Or, if he is absolutely unable to accept my suggestion I request him to levy the duty on sellers of 50 maunds and above a month and not on the ordinary dealers. In that case we can advise the cultivator to grow tobacco for his family consumption in his own farm.

Mr. President, the Hon'ble Finance Member's arguments in favour of the Bill have been very well met by Mr. J. N. Gupta, Mr. S. M. Bose, and Dr. N. C. Sen Gupta. Yet the Finance Member tells us that the India Government may not give us the half share of jute duty unless we agree to fresh taxation even in these hard days and we have proceeded so far. Sir, sometimes if we develop a bad boil on a part of our body and such a boil begins to send out its poison into other parts of the body, we have reluctantly to cut out some tissues. Similarly the Meston Award has sent out its poison into the vast body of Bengal. The Finance Member hopes that by receiving a few lakhs of rupees he can undo the mischief of that Award. I refrain from standing in the way of that hope. So to give the Finance Member time to relent I support the circulation of that Bill.

**Rev. B. A. NAG:** Sir, I oppose the motion for circulation for reasons which I have heard from the hon'ble members here. Several members have boasted that they represent the rich and the poor and all the people. They have said that the nominated official members and other nominated members voice the opinion of Government. If that is so, I am very glad that they are in a wise company, but I do not understand those people who say that they represent the people and yet for an opinion on a simple thing like this they say "what we say does not represent their views." If what they say on this smoking Bill or what

they are about to say does not represent the views of the people they represent, then I do not know why they should be here to represent them at all. I therefore believe, since they are here to criticise, that in their criticisms we have the criticisms of the people whom they say they represent, and for that reason I oppose the motion for circulation. But if they say that they do not represent the people, I would probably support the motion.

(At this stage the Council was adjourned for 15 minutes.)

(After Adjournment.)

**Rev. B. A. NAG:** Sir, as I was saying, when we adjourned, that when the officials speak, in their voice we hear the voice of Government and therefore I should have expected that in the voices of the many elected members who have spoken to-day, members elected by the people in the country, we would have heard the voices of the people.

**Mr. PRESIDENT:** I thought that you had exhausted that argument. (Laughter.)

**Rev. B. A. NAG:** I am simply reminding the members of this fact, Sir. Sir, I welcome this Bill because it supports the well-known and well-honoured social laws of the country. Some people have said that 80 to 85 per cent of the people of Bengal smoke; what their basis of calculation is I do not know, but so far as I know the women of Bengal do not smoke. Now, that takes away nearly 50 per cent. of the population; at any rate it diminishes a considerable proportion from that number. Then, children in Bengal up to a certain age do not smoke; thirdly, children up to a certain other age should not, according to an Act, namely, the Bengal Juvenile Act, be permitted to smoke. By the corporate conscience and experience of the representatives of the people of this land that Act was passed after much agitation in the country.

**Maulvi ABUL QUASEM:** But has that Act been enforced?

**Rev. B. A. NAG:** Sir, I am asked whether that Act has been brought into operation, but I am sorry to say "No." People have been indifferent after the passing of the Act, because the power of prosecution was given only to the teachers. However, that Act establishes the fact that in the judgment of the country boys of a certain age should not smoke. Then, Sir, I should be surprised if my Muhammadan friends do not support the Bill, for I know it for a fact that smoking is immoral in their religion and even from a higher ground smoking is not sanctioned amongst them; it is *makru* to them.

**Maulvi ABUL QUASEM:** Don't sermonise, please.

**Rev. B. A. NAG:** If, however, my Muhammadan friends say that I am speaking anything against their social practices I shall be very glad to be corrected. But if it is true, *i.e.*, smoking is *makru* according to their social and moral laws, that smoking, although not strictly prohibited, is not sanctioned, I shall be very sorry to find my Muhammadan friends voting against this Bill. Then again, the Hindu social custom is well known. Even now grown-up sons will never smoke in the presence of their fathers or their elders and why? Because it is considered wrong and inasmuch as this Bill aims at supporting the social laws of our country I should certainly support it. It has been said, and said probably correctly, that the cultivators of Bengal smoke. Yes, they do smoke but why? Because they need something to strengthen them for their work and because they lack food; they smoke to deaden their feeling of weariness.

**Maulvi ABUL QUASEM:** What is the Christian view?

**Rev. B. A. NAG:** If our friends instead of trying to amass all the money for themselves see that the poor people can earn some more money in exchange for their services, that would be really a good thing done to these cultivators. Sir, there is a well-known saying in the country that the "price of rice is very dear" and what does it mean? It means that we should not deprive the cultivators of their profit "Rice is very dear" is an argument against giving a little more money to the cultivators by those very people who want to rejoice at the cheap price and support the cultivators afterwards. So I have a great doubt as to what they really mean. Then smoking has been taxed in several parts of India, in the States and in England also. I know of a gentleman who while in India occupied a very respectable position. He was a very well-known man in Calcutta, a man whom I never saw without a cigar in his mouth. But when I visited him in England in his home he had not the cigar in his mouth, he smoked only cigarettes. On my asking him why he did not smoke cigars he told men plainly that in England he could not afford to smoke cigars. I believe, Sir, it is a sign of civilisation to tax a thing which instead of improving one's health really weakens it in every possible way. Then, Sir, *ganja* has come under Excise and *bhang* also has come under it and so why should not tobacco? They might say that there is a difference between these three drugs; probably there is, probably there is not. To me, Sir, tobacco is as bad as *bhang*. Somebody says "No" but I simply say that I cannot stand it. For all these reasons I do not see why tobacco should not be taxed.

With these words, Sir, I support the motion of the Hon'ble Sir John Woodhead and oppose the motion for circulation.

**Mr. H. R. NORTON:** I rise to oppose the circulation of the Bill and to support the motion that it go to a Select Committee. Sir, no one, I know, in this House likes taxation but I think that of the 5 taxation Bills that have been put forward the Bengal Tobacco (Sales Licensing) Bill is the most moderate of them all. It is so simple and it cannot possibly affect the poor people of Bengal, we have heard so much about on the floor of the House to-day. Tobacco and the various things under this item are not being taxed but it is merely the sellers of them that are being made to take a license to retail or wholesale their drugs. In Calcutta most of the shops and small retailers pay a trade license to the Calcutta Corporation, and this tax will naturally be an extra burden on them, but most probably their sales are on a much higher scale than those of the smaller shops in the districts of Bengal. I understand that those who keep small shops in the districts do not pay any trade license of any description to their municipalities. So, actually speaking this small duty that they have been asked to pay nearly equals the municipal trade license that their compeers have to pay in Calcutta. Sir, the point that has been raised is that this small duty or license will increase the price of various other things the shopkeepers sell; that is an impossible argument, Sir, to understand. The license that the Government of Bengal propose to the vendors of tobacco is so small that it cannot possibly affect the retail prices of various other things for sale. As to the licence fee of Rs. 3 for a shop for the whole year or the rate of 4 annas per month, I do not think that anybody can say that it would affect the poor people of Bengal. We have heard so much about the taxation of the poor that we really wonder when it is going to stop, because when we look round the country we find that the poor people of this country are the most peacefully happy people in the world.

Mr. S. M. Bose in his speech stated that we should not pass any taxation measures now, but should wait till the new Reform scheme comes into operation. I should think that when the new Constitution comes in taxation proposals will not be heard of! Perhaps members are already working out plans of high taxation for Bengal. So, I cannot see any objection to the very moderate taxation such as the one Government are proposing here. With these few words, Sir, I support the motion to refer the Bill to a Select Committee.

**Maulvi ABUL QUASEM:** Sir, I rise to support the motion for circulation; in fact, there is also a motion in my name for circulation. I should like, first of all, to reply to certain remarks which were made by the Hon'ble Sir John Woodhead yesterday on the question of circulation. He said that when it was already known that the Finance Bills would be opposed no advantage would be gained by circulating them. For the same reason, then, Sir, he should not have asked this

Council to refer these Bills to Select Committees. He might have at once asked for the consideration and the passing of the Bills and members should have been invited to send in notices of amendments to the different clauses of the Bills for consideration by the whole House. If there is reason for reference of the Bills to Select Committees I do not see why there should be less reason for circulating them for eliciting public opinion. If this Bill could benefit in any way by discussion in the Select Committee, it could certainly gain very much by consideration and discussion by the public. It is wrong to suppose that the public would only oppose the Bill and would not put forward helpful criticisms and suggestions for improvement. I do think therefore that there is every reason for circulation of this Bill, notice for which has been given by several members.

Sir, let me now make my position quite clear. I am opposed to each and every one of these Bills. I went through very carefully the communique that accompanied these Bills in the "Calcutta Gazette." What is more, Sir, I had the privilege of a talk with the Hon'ble the Finance Member himself, who was most kind in taking pains to explain to me the reasons which had actuated Government to bring forward these taxation measures. I must regretfully but frankly confess that I have not in the least been convinced by the reasons and arguments that have been put forward in support of these Bills. We are told in one breath that Bengal's financial difficulties are not due to her own fault but to that financial settlement which is associated with the name of Lord Meston. That settlement is criticised as an inequitable settlement: I would call it an iniquitous settlement. Sir, if it is recognised that Bengal's budget deficit is not due to her own folly or fault and if it is really due to that settlement which is condemned on all hands, then why should this attempt be made to impose fresh taxes on the already overtaxed and overburdened people of this province?

Sir, the Simon Commission as well as the Percy Committee recognised that the limit of taxation in the provinces had been reached. The authorities in England as well as the people there by the proposals embodied in the Government of India Bill which is awaiting consideration by the British Parliament, have recognised the claim of Bengal to at least half the yield from the jute duty. I fail to understand the meaning of the cry that Bengal must show that she is doing her best to put her own house in order. Who is responsible for her house not being in order? Who has brought disorder and confusion into her household? Admittedly and assuredly, not she. You throw her into a pit and ask her to struggle out of it as best she can. I say, Sir, that this is nothing short of cruel tyranny. To say that Bengal is not responsible for her financial troubles and at the same time to ask her to convince the Financial Enquiry Committee that will come after the

Reform Bill gets through Parliament that she has done her best to help herself is nothing but a contradiction in terms." Sir, you speak in one breath one thing and you contradict the very same thing in another. For what reasons are these taxes being asked for? You seem to have not the least feeling for the people whom you are governing. You know well how hard the people have been hit by the terrible economic depression which has been prevailing. It is only the Government servants who may be said to be happy in these unhappy days. A 5 or 10 per cent. cut in their pay is a mere flea-bite compared to the deep wound which has been inflicted upon the body of the people of this province, who are groaning under unspeakable misery and suffering. It is only fair that Government servants should share in their suffering and should be prepared to make some sacrifice for the sake of the people. But we find it otherwise, and the Government officials must have their full pay. You have placed the case of the Government servants first and that of the tax-payers second. This sort of action is the least calculated to convince us of the need of fresh taxation. We do refuse to go with you along this course.

Sir, much has been said by the Hon'ble Sir John Woodhead regarding the recommendations of the Retrenchment Committee. He put to us certain interragatories, viz., would we accept certain retrenchments such as the closing of a technical school or a medical school which were recommended by that Committee? I say unhesitatingly "certainly not." We ask for retrenchment in the cost of administration, wherever possible. Our expectations and demands in this respect you have not seriously attempted to meet. I do join issue with you when you say that you have done your best to effect retrenchment. If Bombay could retrench two Executive Councillors, thereby saving Rs. 1,28,000 a year, could not Bengal manage to do with two Executive Councillors? Are you sincere when you say that you have explored all possible avenues of retrenchment? Sir, a Cabinet of 4 Executive Councillors and 3 Ministers each drawing a salary of Rs. 64,000 per annum is indeed an infliction on this impoverished province. In the face of all this to ask us to support these proposals for taxation is really to perpetrate on this Council a cruel, practical joke.

Coming to the Bill itself, Sir, I would say without fear of contradiction that it is a Bill which will hit hard the poor peasantry. I speak with knowledge when I say that these poor people are suffering a misery for describing which adequate words are hard to find. When Government say that these taxes will not hit the poor I assert that they do not understand or care to understand what they say. Imagine, Sir, for a moment what the effect will be of the license fee of Rs. 3 proposed to be imposed upon retail vendors in the countryside. For them to find at a time Rs. 3 will in very many cases be an impossibility; many of them will be deprived of their means of livelihood. The

Hon'ble Sir John Woodhead sought to explain that these vendors would be called upon to pay only one pice per market they would visit. Would he be content to collect one pice on each market day from them? No, Sir, he would collect Rs. 3 at a time before they have begun to earn anything during the year. I know my countryside well. The people there are silently suffering a misery which the people of this country alone can bear. Sir, as a revolt against the prevailing state of things certain misguided *bhadralok* young men have taken to the cult of the revolver and the bomb. I have nothing but condemnation for them. But, Sir, I verily believe that if the people of this country, Hindus as well as Muslims, were not accustomed to ascribe all the ills they suffer from to their 'Bhagya' or 'Kismet,' there would be such an uprising of the masses as would make short work of this sorry scheme of things which poses as a benevolent and paternal Government.

Sir, I say most humbly and respectfully to the Government—Do not seek to aggravate the feeling of discontent and despair that already prevails among the people: do not add to their misery by imposing upon them fresh taxations. In this unfortunate country when Government propose a tax of Re. 1 only, the people concerned have to pay something more to the agents who collect taxes directly. It is a well-known fact that on paper this license fee will be Rs. 3 but the poor man will have to pay more than that in order to get the licence and that at a time before he has earned anything. His capital is incredibly small. To many the burden would prove unbearable and many will be thrown out of employment. In England you are maintaining the unemployed at the cost of the State. Here our unemployed are left to shift for themselves; are left to their fate. Sir, compare the conditions prevailing in England with those prevailing in our country. You treat your people as human beings but here the people are treated in a way not befitting human beings. We, members of this Council, are treated as so many children; our opinions and wishes count for little. Whatever the Government thinks to be right this Council must accept it: otherwise we shall be thought to be muddle-headed. When we are asked to pass these measures, we, claiming to be self-respecting representatives of the people, can give only one answer. If you go on forcing these things down our throat, I submit the cup of our miseries will have been full soon and the day of retribution will not be far off.

Sir, much was made of the attitude of the Legislative Assembly. I really doubt if the Hon'ble Sir John Woodhead was really serious when he spoke of the attitude of the Assembly towards this province. Do the Government of India really care a bit for the attitude of the Assembly? My view is that they have precious little regard for the opinion of the Assembly when it suits their convenience to disregard it. A stray member from Bombay or another province might have said

something against us. Are the Government of India serious in listening to that voice? I do really think that when Sir Cowasjee Jehangir spoke against Bengal he could be very well told that Bengal was taxing herself to no small extent in the interest of the mill-owners of Bombay. If you recognise that Bengal has been put in her present plight owing to the Meston Award, you should try your level best to have it altered and not ask the Council to pass these Bills. With these observations, Sir, I oppose not only this Tobacco Licensing Bill but all the Bills that are being put forward by the Government.

**Rai Sahib PANCHANAN BARMA:** Mr. President, Sir, I beg to oppose this Bill. I should like, first of all, to refer to a remark made by the Rev. B. A. Nag. Reverend Nag has made a *nfoss* ফোঁস i.e., great hissing sound and has risen to bite all the people in this Council by remarking that they are not agriculturists but are speaking for the agriculturists without knowing their interests and feeling for them. But Sir, if you look at those benches (pointing to the Muhammadan block) of the House, you will find almost all of them are agriculturists. The member who spoke in Bengali is an agriculturist out and out. There are many who are agriculturists themselves. Turning now to my side, you will find, Sir, at least some members who are agriculturists and two of them themselves grow tobacco, viz., myself and Mr. Nagendra Narayan Ray. Sir, I am myself an agriculturist and a cultivator. I plough the tobacco field with my own hand. I love the tobacco plant as a parent loves the child. So, when I hear that tobacco is going to be taxed, it seems to me that biting frost is going to destroy the tender plants of tobacco. I have been told that tobacco-growers or cultivators are not going to be taxed, but I find these people will not be exempted from the taxation; for their tobacco will be taxed when it will be taken to the market for sale. Sir, it will then be very difficult to distinguish between the cultivator selling tobacco and the dealer of tobacco. Then, Sir, there is the question of taking out a license. In other parts of the country, tobacco is not extensively cultivated; but in Rangpur, Cooch Bihar and Jalpaiguri, tobacco is extensively cultivated, and is the main money crop there. There, on tobacco depends the welfare of the peasant; on tobacco depends the regular payment of his dues to the *zemindar* and to the *mahajan*. He will be hard hit when you will tax his tobacco. Then, Sir, there are the *Fariahs* who are themselves cultivators, and who purchase their neighbours' tobacco for taking it to the market and selling it there; and this is sometimes a friendly act done without gain, but with some trouble incurred. These people will also be taxed when they sell their tobacco. Then there are groups of men who join their little funds out of the little proceeds of their cultivated tobacco, and jointly do business in tobacco in harvesting

times only; and this is the germinating of future joint stock businesses. Each of them, each of these germinating businesses will also be taxed. Then there are *grihasthas* who collect tobacco from their tenants in lieu of rents or in lieu of debts and sell it to others. These people will also be taxed, when they purchase and sell their tobacco. Then this tobacco goes into the hands of the Marwari or Saha *mahajans*, who send it out to distant places for sale. These persons will also be taxed. And those *paikars* down in various degrees, who take from them and make retail sales, will also be taxed. Thus it will be seen, Sir, that there are a number of intermediaries from the cultivator to the consumer who will be taxed every time they handle or sell their tobacco.

Sir, the best types of tobacco are grown in Adabari tracts on both sides of the border line of Rangpur and Cooch Behar in the Hatibanda and Kaliganj thanas of Rangpur and Dinhata thanas of Cooch Bihar and are exported to Rangoon and other parts of Burma and to other countries. Rangoon or Burma is not taking our tobacco now; our tobacco has been boycotted there, and on account of that its high price has fallen, and in consequence we are suffering much. Sir, the best quality of our tobacco used to sell at Rs. 60 to Rs. 120 per maund at one time; it sells now at Rs. 30 at the highest, but the ordinary stuff sells at Rs. 3 to Rs. 5 per maund. Then, if this taxation is imposed, the price cannot but go down. The cultivator will be hard hit, if he is so taxed and will not be able to pay his dues. Sir, I know Government has constituted a Board of Economic Enquiry for the relief of the cultivator; but this sympathy for the cultivator seems to my mind to be a shallow one because on the one hand you are telling the cultivators that you are trying to liquidate their debts; but on the other hand, you are putting a heavy burden, though not directly imposed on their head in the shape of this fresh taxation. If that is done, it cannot but be said that you are cruel to them.

Sir, people here have many kinds of luxuries. There are the cinemas, the theatres, the clubs, the races, the tea, the coffee, the wines and other things, but what luxury, what relief or relaxation has the poor people, the cultivators, in the villages got, save and except a *chhilim* of tobacco?——

**Mr. PRESIDENT:** I cannot catch your words, Rai Sahib, if you turn your back on me. (Laughter.)

**Rai Sahib PANCHANAN BARMA:** I am sorry, Sir. Is it your intention, Sir, to take away this simple luxury from the poor villager which is more a recreation than a luxury to him? Is it not a fact, Sir, that this recreation gives them fresh stimulus and energy for

work? I should, therefore, say, do not take away or tax this simple luxury, this sole recreation, of the poor cultivator from him. Sir, the cultivators have so far been severely and cruelly taxed, and pressed down to the ground by the economic distress, and if you insist on taxing them again, you cannot but be utterly cruel to them. Then, Sir, everyone has been hard hit by the present economic depression except the highly paid Government servants. But while you are providing amply for the well-paid Government servants by restoring their cut in salaries, you are taxing and so cutting down the depressed cultivators' income by the new taxation, the poor cultivators for finding the money required for restoring that cut———

(The time-limit was reached and the member resumed his seat.)

**Mr. NARENDRA KUMAR BASU:** On a point of order, Sir. Am I to take it that after Sir John Woodhead has spoken, other members will be allowed to speak?

**Mr. PRESIDENT:** Ordinarily, the debate should be closed after the Hon'ble Member in charge of the Bill has spoken, but of course there is no hard-and-fast rule on the point. I think you can leave that matter to my discretion.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Sir, there are members who have tabled amendments, and they should be given the chance of speaking also.

**Mr. PRESIDENT:** It is not obligatory.

**Babu SATISH CHANDRA RAY CHOWDHURY:** It is past seven which is the time for adjournment.

**Mr. PRESIDENT:** I may adjourn the Council whenever I like.

(At this stage several members appealed to the Chair for adjournment.)

**Mr. PRESIDENT:** That is a different matter. Heretofore different arguments were adduced by different members to have the debate continued to-morrow and to bring about an adjournment of the House by indirect methods. No one plainly requested me to discontinue to-day's

sitting and continue the discussion to-morrow. If the House wishes to continue the debate to-morrow, I shall be only too glad to adjourn the Council.

**The Hon'ble Sir JOHN WOODHEAD:** There is no objection from the Treasury benches to the debate being put off till to-morrow.

(No objection was also raised from any other group of the House.)

**Mr. PRESIDENT:** I take it that it is the desire of the House to put off the debate till to-morrow.

## Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 14th February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 14th February, 1935, at 3 p.m.

**Present:**

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 107 nominated and elected members.

## STARRED QUESTIONS

**(to which oral answers were given).**

### Dinajpur Thermo-medical Laboratory.

***14. Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department be pleased to state whether one Dr. N. K. Chakravarty, T.M.D. of Dinajpur Thermo-medical Laboratory, applied to the Hon'ble Minister for a grant to defray the expenses of demonstrating his thermal treatment of cholera and small-pox?

(*b*) If the answer to (*a*) is in the affirmative, what steps did the Hon'ble Minister take in respect of the application?

(*c*) If no steps have yet been taken, what are the reasons?

**MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):** (*a*) Yes; such an application was received.

(*b*) After due consideration of the application, the applicant was informed that Government were unable to make any grant.

(*c*) Does not arise.

**Maulvi HASSAN ALI:** Will the Hon'ble Minister be pleased to state what were the reasons for refusing the application?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY.** Because Government considered that the system has no scientific basis.

**Rai Bahadur Dr. HARIDHAN DUTT:** What is this T. M. D. degree marked against Dr. N. K. Chakravarty?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I want notice.

**Rai Bahadur Dr. HARIDHAN DUTT:** Is it not the rule that an addition of a title imitating an University degree is illegal?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Probably so, Sir.

### Hydro-electric Surveys in Bengal.

***15. Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to state what steps were taken by the Government in utilising Meares' Hydro-electric Surveys in Bengal to float Hydro-electric scheme?

(*b*) Is the Hon'ble Member also aware that the U. P. Government have arranged provision for supply of cheap electricity to cultivators to pump water from deep wells to irrigate sugarcane fields?

**MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead):** (*a*) The policy of the Government of Bengal has been to leave the financing of electrical undertakings to private enterprise. Mr. Meares' reports on the water-works power resources of India are saleable publications and are available to the public.

(*c*) I have no information.

### Notice of Howrah Bridge openings.

***16. Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) whether it is a fact that the Howrah Bridge remained closed

(*ii*) that the said closing caused much inconvenience to the traffic including women, children and invalids; and

(*iii*) that notice of such unusual early night openings or all the notices of the Howrah Bridge openings is published only in one English daily and in no vernacular papers?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of more widely publishing such things in future to remove the public grievance in the matter?

**MEMBER in charge of Marine DEPARTMENT (the Hon'ble Sir John Woodhead):** (*a*) (*i*) The bridge was open from 10 p.m. to midnight on 3rd October, 1934, and was closed to road traffic during that period.

(*ii*) The closing of the bridge to road traffic must always cause inconvenience.

(*iii*) The times of all openings of the bridge are published in the "Statesman," "Exchange Gazette," "Amrita Bazar Patrika" and the "Star of India." The time of the next opening is also written up on the bridge. Any vernacular paper which desires to do so may publish the times of opening.

(*b*) No. Government have no reason to believe that the steps now taken to advertise the times of opening are not sufficient.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Is the Hon'ble Member satisfied that this particular opening was also advertised in the "Amrita Bazar Patrika"?

**The Hon'ble Sir JOHN WOODHEAD:** I have no reason to presume the contrary.

### Arrangements during the Howrah Bridge openings.

***17. Dr. AMULYA RATAN GHOSE:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that during the Howrah Bridge openings at night the Commissioners for the Port of Calcutta do not provide ferry steamers for the passengers;

(*ii*) that the *manjis* take as many passengers as they can and far beyond the carrying capacity of the small country boats; and

(*iii*) that the river is not adequately illuminated?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the advisability of taking steps to improve the existing conditions?

**The Hon'ble Sir JOHN WOODHEAD:** (*a*) (*i*) Yes: the use of ferry steamers during the Howrah Bridge openings at night would be dangerous.

(*ii*) Each boat is licensed to carry only a specified number of passengers and if more passengers are carried, the offender renders himself liable to punishment.

(*iii*) The river is adequately illuminated for the requirements of the traffic.

(*b*) No.

**Maulvi SYED MAJID BAKSH:** If the river is illuminated, why is the ferry steamer considered dangerous?

**The Hon'ble Sir JOHN WOODHEAD:** Because the ferry steamer would be travelling right across the traffic at night.

**Mr. NARENDRA KUMAR BASU:** In case of overloading, is action taken only after an accident happens?

**The Hon'ble Sir JOHN WOODHEAD:** I believe the police are on duty at the different landing *ghats*.

## Appointment of Mr. Hogan as a Yard Master in the Calcutta Port Trust.

***18. Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that towards the middle of the year 1934, the Calcutta Port Trust Authorities appointed one Mr. Hogan as a Yard Master in their Traffic Department?

(*b*) If the answer to (*a*) is in the affirmative—

(*i*) what are the qualifications, academic or otherwise, of Mr. Hogan; and

(*ii*) on what salary has he been appointed?

(*c*) What are the special reasons why Mr. Hogan has been appointed on a higher initial salary than what usually happens to be for the "scale" of a Yard Master in the Port Trust?

(*d*) Was the vacancy notified before it was filled up?

(*e*) Did the Port Trust Authorities take any trouble to ascertain that no Indian with qualifications similar to, or better than, Mr. Hogan's would offer himself as a candidate for appointment?

(*f*) What made them to come to the conclusion that Mr. Hogan was the best available person for the post?

(*g*) Is not this a fact that as the result of correspondence that passed between the Government of India and Government of Bengal on one hand, and the Commissioners for the Port of Calcutta on the other after the resolution urging the Indianisation of the Port Trust Services had for the second time been adopted in the Council of State in September, 1932, the Calcutta Port Trust Authorities in formulating the policy of Indianisation of their Services stated in their letter to the Government on the subject that as the result of the action taken by them, it would not, in the ordinary circumstances, be necessary to recruit non-Indians for most of their departments and sections and that in the Traffic Department there had already been "Probationers" appointed for special training as officers suitable for promotion to higher posts?

(*h*) If the answer to (*g*) is in the affirmative, what were the circumstances under which the Port Trust Authorities preferred to appoint Mr. Hogan, when the "Traffic Probationers" appointed in 1929 had already been there waiting for chance?

(*i*) What measures do the Government propose to adopt in order to ensure the speeding up of the Indianisation of the Services in the Calcutta Port Trust?

**The Hon'ble Sir JOHN WOODHEAD:** (*a*) Yes.

(*b*) (*i*) Fifteen years' railway experience. Passed Guard's and Assistant Station Master's Examination. Passed as Section Controller at A. S. M. Training School. Passed senior course at Chandausi School of Transportation. Passed Junior and Senior Goods Audit Examinations.

While on 10 months' leave in 1933-34, passed in "Railway Economics" at Cardiff Technical College. Was attached to G. W. Railway at Cardiff for five months and studied Goods and Docks working, Yard working, Train control, Goods Depot work, Claims and Rates, Parcels work.

(*ii*) Rupees 440 per mensem in the scale of Rs. 300—20—600.

(*c*) Mr. Hogan's services could not have been secured on the minimum pay.

(*d*) No.

(*e*) and (*f*) Yes. About this time there was a sudden and unexpected increase of work in the transportation section—an increase which coincided with the death of one and the retirement of two experienced officers. In consequence the Port Commissioners required an experienced railway man at short notice and applied to the railways. Mr. Hogan was strongly recommended by the E. I. Railway.

(*g*) and (*h*) Yes, but none of the probationers appointed in 1929 possessed either the knowledge or the experience required for this particular post.

(*i*) No further measures are considered necessary

**Mr. P. BANERJI:** Will the Hon'ble Member be pleased to state what was his salary when he was in the employment of the Railway?

**The Hon'ble Sir JOHN WOODHEAD:** I do not know. But I will obtain information, if the hon'ble member requires it.

**Mr. P. BANERJI:** Has this gentleman been taken permanently or temporarily?

**The Hon'ble Sir JOHN WOODHEAD:** I am sorry I cannot say off-hand.

**Mr. P. BANERJI:** Will the Hon'ble Member be pleased to enquire into the matter?

**The Hon'ble Sir JOHN WOODHEAD:** Yes, Sir.

**Mr. P. BANERJI:** If it is a temporary appointment, will the Hon'ble Member be pleased to direct that the post be advertised in order to see whether there are better qualified men available?

**The Hon'ble Sir JOHN WOODHEAD:** That is a request for action, Sir, to which I cannot reply.

## GOVERNMENT BUSINESS

## LEGISLATIVE BUSINESS

## GOVERNMENT BILLS.

### The Court-fees (Bengal Amendment) Bill (1933), 1935.

The Hon'ble Sir Brojendra Lal Mitter presented the Report of the Select Committee on the Court-fees (Bengal Amendment) Bill (1933), 1935.

**Mr. PRESIDENT:** The House may now resume the discussion on the Bengal Tobacco (Sales Licensing) Bill, 1935.

### The Bengal Tobacco (Sales Licensing) Bill 1935.

**Dr. NARESH CHANDRA SEN GUPTA:** The Hon'ble the Finance Member in introducing this Bill has referred to a certain amount of history. In respect of this particular Bill he had something in the nature

of a principle and theory to fall back upon. It is quite true that a duty on tobacco as a mode of taxation is acceptable from the point of view of principle and as such it was discussed on previous occasions. The Finance Member has referred to the report of the Simon Commission or rather to the Layton Report in which an excise duty on tobacco was mentioned as a possible source of revenue for the benefit of the province. He also referred to the Percy Committee's Report. But he forgot to mention that that Committee expressed grave doubts as to whether the expense in calculating the excise tax would be justified by the amount of income derived from it. In any case these were all recommendations for an excise duty on tobacco. This Bill, however, deals with a licensing fee to be levied on vendors of tobacco. The two things are quite different. A small excise duty upon a commodity of this character might possibly be levied without it being felt by the consumers very much and that duty would uniformly fall upon everyone. But then there would of course be the difficulty about the collection of revenue. That is perhaps the reason which frightened the Government of Bengal out of that particular device. So they thought they would have a licensing fee instead.

Now let us examine some of the implications of this fee. In the first place there are to be three kinds of fees—one rupee for the hawker, three rupees for the retailer and Rs. 6 for the wholesaler. The wholesaler may have a very big business and still he would pay only Rs. 6 for the tons of tobacco which he imports from the mufassal. The purchaser who would buy direct from this source would pay nothing. On the contrary, the poor man's tobacco grown in Rangpur, for instance, if purchased by a wholesale vendor, would be taxed to the amount of Rs. 6 and then it would pass through half-a-dozen middlemen who would all pay Rs. 6 each and then it passes on to the retailer who pays Rs. 3 a year and then it passes to the hand of the poor cultivator. So it will be seen that the incidence of taxation is heaviest upon those who are least able to pay. The rich man's tobacco is likely to be far less taxed than the poor man's. That is the fundamental difference between licensing fee and a small excise duty which might possibly be levied.

Sir John Woodhead has made light of this trivial taxation of Rs. 3, Rs. 6 and Re. 1. But looking at the facts, Rs. 6, Rs. 3 and Re. 1 are not so small as they look. As I have already said, these licensing fees are multiplied as tobacco passes from hand to hand through several middlemen. Outside Calcutta in the mufassal you will find no hawker of tobacco. In the mufassal the retailer is often a very small person. He deals with a small quantity of tobacco which he buys for about Rs. 2 or Rs. 3. It is all very well to say that Rs. 3 a year is not much. It will only work out at four annas a month or one pice a day, but how is the mufassal retailer going to raise that Rs. 3. You are going to tax him in advance. Anyone who has got an experience of the mufassal knows that the retailer prepares his tobacco in the *hat* and sells it there. He

purchases some tobacco leaves and a quantity of *gur*, mixes them up and sells it to the small purchasers in the *hât*. His profit is small and that suffices for his week's need till the next *hat* day comes. His capital does not exceed Rs. 2 or Rs. 3. If you take Rs. 3 from him as an advance licensing fee, what would be the effect? You will simply be driving him out of the business. In this Bill we are dealing with very small people. We have spread our net very wide. We are taking Rs. 6 only from wholesalers dealing with 6 lakhs of rupees worth of tobacco and we are taking Rs. 3 from the retailer whose whole capital does not exceed that sum. He will either leave the business or the next best thing he would do is to grease the palms of excise *goendas*—the informers upon whom you will have to rely in order to make the Act effective. Sir John Woodhead took considerable pains to explain that the Bill will have nothing to do with the operations of the Act, but are you sure that your excise staff is adequate enough for the purpose of collection. In actual practice I am sure it will be found to be inadequate with the result that more and more you will have to depend on your informers who as we all know are not all saintly persons. The union boards are also required to do certain things under the Act These will be your agents in the mufassal for getting hold of persons selling tobacco without license. It would be very optimistic to imagine that these people will bring all offenders before the excise authority. This Bill will only provide more money for excise informers and others. The money will not flow into the coffers of the Government, but into the pockets of the excise informers and others. Sir, on another occasion, in connection with another piece of legislation, we heard a good deal about the undesirability of utilising the services of union boards for restriction of jute cultivation. It was said that there would be blackmailing, oppression and things of that sort for the simple reason that they would have no realiable agents to work through. I denied it at the time and I refuted the arguments so far as the restriction of jute is concerned. But that argument is very relevant here. You must remember that Government have not got an absolutely reliable agency in the mufassal—those upon whom they must rely would, it is feared, benefit themselves far more than would benefit the Government. Sir John Woodhead thinks that it would bring in a revenue of Rs. 5,00,000 at a cost of Rs 25,000. I have not got the information which the Hon'ble Member has got, but knowing the conditions of the mufassal as I do, I may tell him that more than Rs. 25,000 would have to go to the debit side. The cost of collection would be very much greater, and the amount of income would be very much less. The present excise staff, as I have said before, would be found inadequate for the purpose. The work will be far more extensive, as the area that is to be covered will be far greater than is at present covered by the excise officers under the Excise Act. The tobacco habit is much more universal than the drink habit. Therefore, the Excise Department, in order to carry this Act into effect, must have a substantial increase in their

staff. The argument of the Percy Committee applies to this licensing fee so far as the collecting agency is concerned. The money that will be coming will be small and for this you are letting loose upon the people a number of authorised and unauthorised persons who will make a business of benefiting themselves out of this piece of legislation. This would be the principal contribution of this kind of legislation. Rev. B. A. Nag waxed eloquent yesterday over the possibility of tobacco being tabooed as a result of this Bill. But I may tell him that no such thing is going to happen. Government do not contemplate any such thing, and the prohibition of tobacco remains entirely in his fertile imagination. The small mischief which tobacco does upon which Mr. Nag was so very eloquent would always be there. Sir, I am neither a professional nor an amateur moralist; I am not therefore in a position to sermonise upon the morals of tobacco smoking or chewing. But I know this, that in passing this piece of legislation you will let loose upon the people a body of persons who under cover of this legislation will take illegal gratification and you will be letting loose forces that will demoralise still more the already demoralised society.

**Maulvi SYED MAJID BAKSH:** Sir, the eloquent speech of the Rev. B. A. Nag last evening reminded me of the story of a temperance meeting. A gentleman was lecturing on temperance and about the injurious effect of alcohol. He had a drop of water magnified many times and had the shadow cast on a screen. It was seen that that drop of water was full of thousands of animalcules pulsating with life and swimming about in the shadow. Then he put a drop of alcohol into the water. Instantly everything in the drop of water came to a standstill and all signs of animal life ceased to exist. It was clearly shown on the screen that not a single animal life was there after the drop of alcohol was added. It was proved that alcohol is a poison and acts in the same way in the human system and is very injurious in its effect. An Irishman from amongst the audience, at once stood up and exclaimed that the next time he would drink water he must put some whisky into it. Therefore, when I listened to the dissertation on Islamic Shariat about the propriety or impropriety of smoking tobacco and taking snuff, *zorda* or *gundi* I was confirmed on the opposite view. Mr. Nag is quite right when he says that tobacco is *mackru* according to the Shariat, but ought it to follow from it that we must not allow anybody to derive any income out of the trade in a thing which is *makru*. I do not know whether I should make any reservation, but this I must say, that such *mackru* ought to be suppressed. Therefore, Sir, I would be right according to the dictum of the Shariat to vote against this measure. Sir, last year, in one of the speeches of mine—in a cut motion—which I gave in respect of the budget, I suggested a tax on certain kinds of tobacco. My friend will say that I am contradicting myself. But if he goes through my speech he will see that

I limited myself to snuffs, *zorda*, *gundi*, etc. I do not support tax for tobacco leaves or ball tobacco. That is too big a pill for me swallow. However, be that as it may, in taxing the luxury you a going to tax the only luxury of the poor peasants. Sir, from anoth point of view, it is most uneconomical and based upon the wrong co ception of the economic principle of taxation. It is uneconomical tax raw materials. You always tax finished products. If you tax ra materials the tax will carry with it an interest till those raw materis come out into the market as finished products. So you will be taxi doubly, both at the raw material stage and at the finished stage. Th principle of double taxation is unscientific and cannot be supporte So I have my objection on this ground alone. I do not myself belie in smoking. I know nicotine which is the principal ingredient tobacco is poisonous to the human system. I had a sad experience of friend who had a small daughter about a year old who, thinking be tobacco to be a kind of sweetmeat, swallowed a small quantity of it a died within two hours. This poison is introduced into the hum system through smoking. Therefore, it should be abolished altogeth and not taxed, just like the tax on wine, profiting by the traffic of thing which is immoral by itself. I entirely agree with my frie Dr. Sen Gupta that this taxation will injudiciously operate up different classes. I can understand a tax of Rs. 6 on wholesale deale but the tax of Rs. 3 on the retail dealers would really be a tax on t poor. Therefore, the principle that I have enunciated in myself connection with previous Bills does not hold good here, and this is further ground for my opposing the Bill. I would like the habit tobacco to be abolished. I know that tobacco is a thing which retar growth in juvenile smokers. There is a law in many civilised countri especially in Japan, which prohibits smoking up to the age of 22. It sickening to see small boys smoking tobacco and small urchins pu chasing *biris* out of their small funds and going smoking on the stree But that has to be done by other means—by preaching. It has be found in the case of wines and other intoxicating drugs that taxati does not stop them. To say that you will be able to stop tobac smoking by taxation is not borne out by facts and experience. Ther fore, if you really want to banish tobacco, as was the intention of n friend, Rev. Mr. Nag, we should adopt other means. This tax uneconomic and unsound, because it doubly taxes the poor but not t rich, and the income which will be derived will actually be much small than what it is calculated to be. With these words I support t motion for circulation.

**Rai Bahadur SATYENDRA KUMAR DAS:** Sir, I rise to suppo the motion for circulation. After so many speakers have spoken the subject, I find that there is very little left for me to say. But

submit that it is my duty to say a few words by way of suggesting to Government how to wipe off the deficit in the budget instead of passing these obnoxious Bills. I would repeat that the principle involved in this Bill is dangerous as it is going to touch the pockets of the poor more than anybody else. The nauseating feature of every Bill of the season, as will be evident from the Statements of Objects and Reasons, is to provide additional revenue for the province of Bengal in order to remove part of the existing deficit. Thus, it is clear from the above that an attempt is now being made by Government to take out a slice of bread, though small, from the starving population and then to throw the income to the sink of the provincial budget deficits. Now, Sir, who is responsible for this budget deficit? Has not the treasury bench as well as His Excellency the Governor admitted in clear and unmistakable terms that Bengal is not responsible for her budget deficits? It is the Meston award that is mainly responsible. I thank our Governor for getting out half of the jute tax from the Government of India, but if the Government of India in return wants us to sit on the lean breast of Bengal and squeeze out the last drop of blood out of the people, what should be our reply? Our reply should be an emphatic "No." It is small comfort to know that Bombay and the Punjab have these taxes. Well, Bombay and the Punjab have their necessary feast over their exports to Bengal, such as cloth, sugar and other commodities: they are in affluence in their own ways. They can afford to be further taxed. But that is no reason why we should be overtaxed to meet this deficit. I will not repeat on the floor of this House the old song of retrenchment, but my suggestion to the Government of Bengal is to seek out a new formula out of the constitutional laws and apply that to put an embargo on non-Bengali products and labour and let that income cover the budget deficit. However insignificant it might be, let that be half a pie per rupee, I am sure it will bring into the treasury a crore of rupees. Therefore, it is not wise and proper to touch the only recreation of the poor man—"Tobacco." With these observations, I support the motion for circulation.

**Rai Bahadur RAM DEB CHOKHANY:** Sir, I am sorry that in rising to speak here for the first time I have to oppose a taxation proposal of the Government. In rising to oppose this Tobacco Bill I only raise the voice of the people of this province, dumb-stricken as they are and without means as they are to raise their voice effectually against the existing heavy burden of taxation. This particular tax takes the palm for its obnoxious character amongst all the taxation proposals that so far have been made.

The principal objection against this proposal is, as some of my predecessors have pointed out, that it hits hard the poorest section of our people. Tobacco is the only consolation of the hard-worked masses

after they have toiled and moiled all through the day. There are no cinemas for them, no theatres, and, in fact, no other form of entertainment.

The Finance Member has tried to reason out that this tax is the mildest possible and there are precedents for such a tax not only in the Western countries, but also in Indian provinces like Bombay and Punjab. Sir, such a very weak reasoning, I am afraid, I have not come across. The state of affairs in the Punjab and Bombay are different from that which prevails in this province. I can claim that I have some experience of the conditions obtaining in those provinces. Barring a certain microscopic section amongst the Muhammadans, the *hookah* and the hubble-bubble are practically non-existent amongst them. Whereas in Bengal "*tail, tamakhu, pan, teenau Bangaleki jan*" runs a proverb in Hindi meaning oil, tobacco and *pan* are the very life of the Bengalees.

As regards the anology in Western countries, I may be permitted to point out that the Finance Member has apparently forgotten that there is no comparison between the standard of living amongst the people of Bengal and those of Western countries. The average earning of an Indian is estimated at annas 2-3 per day, whereas it is several rupees in the case of a British or an American labourer. To the British or American labourer a small tax on tobacco is nothing, but for an Indian it means a lot.

The cultivators of this province, hard hit as they are by the ruinous fall in prices of jute and paddy, the accumulated burden of the tax in its various forms on a necessity of their lives is likely to prove the last straw on the camel's back. It may be said that the amount of the tax is very low, and it is not a direct tax on the consumer. Still, unfortunately for the shopkeepers, the middlemen and the manufacturers even this small addition in the cost of production would prove a happy excuse for raising the price of tobacco

Sir, the most objectionable feature of this tax is the penal provisions which could be enforced very strictly against the ignorant transgressors of law, just as if they were selling liquor or some intoxicating drug. Why make any difference between tobacco and tea? As the provisions have been laid down, the opportunities for corruption and oppression will be always present and the ignorant and poor rural inhabitants of the province will be for ever at the mercy of some dishonestly inclined servants or agents of the Government.

If the Finance Member would ask me where he is to go for the 5 lakhs of rupees which he anticipates this tax would yield, I would tell him that the additional 5 lakhs of rupees which he has budgeted for combating the terrorists' activities may be dispensed with. Only yesterday the Government showed in a statement to my friend

Mr. Hunuman Prosad Poddar that the terrorist activities are getting to be lesser. Under the circumstances, the usual expenditure of about half-a-crore of rupees which is allowed for this purpose ought to be certainly sufficient for uprooting the menace of terrorism for which all of us are intensely anxious.

Sir, barring everything else, I am opposed to the Bill on its very principle and have therefore to support the motion for circulation.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Sir, I shall make one observation only, with regard to this Bill, and before I do so it is up to me to congratulate the last speaker on his excellent maiden speech. The various aspects of this Bill and the consequences which are likely to crop up have been so exhaustively dealt with by the previous speakers that I do not propose to go into the details of them. I believe on the contrary that we are too much full of smoke of tobacco from yesterday. I have heard from one gentleman that tobacco is taboo both according to the Muhammadan and Hindu Shastras. That is from one side of the House. From another side and a very responsible side we have heard that the growers of tobacco have been left untouched because the Hon'ble Member wants that the cultivators should grow more and more tobacco. We are confused between these two opposite views. So far as the Government is concerned, it must be far from their mind to restrict the cultivation of tobacco. On the contrary, the Leader of the House, the Hon'ble Minister in charge of Agriculture, for the last few months had spared no pains and have even denied himself food and rest in going about the country and asking the people to sow jute less and less and tobacco and other things more and more. So it is far from the minds of the treasury bench to discourage the growth of tobacco. That is a sufficient answer to the gentleman who has pleaded to make tobacco a thing of the past. Sir, there is one aspect of the case which has not been dealt with by other speakers and I will confine myself to that and to that alone, in order to avoid wasting the time of the House and also of the Hon'ble Member who is so anxious to see all his Bills through as speedily as possible. That aspect is this, and it is a very strong point, viz., that it has been stated that after all, the levy will be a very slight one and will not press very heavily upon the poor and that Rs. 3 is a very small amount for the ordinary vendors or the ordinary dealers to pay; but whether it is light or heavy I will not go into that question. That has been sufficiently answered already. We wish that members sitting opposite had gone into the villages of Bengal and had seen for themselves what is the amount of the capital with which each one of these dealers has started their business and on the strength of which they rely to eke out an existence. If they had done so, they would certainly not have said that it is a light tax. We know,

Sir, from our own experience while going out into the mufassal bazar that a capital of Rs. 5 or Rs. 8 is the utmost that can really be laid by by the small dealers and vendors for the little earnings which they derive by investing it upon this business and which enables them to keep their flesh and blood together. Now, Sir, the real question is whether we can agree to the principle of this taxation. Tobacco, one might say, next to the poor man's salt, is the second necessary item in the poor man's life as it has transpired from the admissions of all the groups and members of all the different classes here in this House. The question, however, is—Is there any assurance that the license fee which will now be fixed will remain fixed for ever? On the contrary we find from our experience of other pieces of legislation, particularly the Stamp Act, that once the principle has been conceded and once taxation has been levied upon a particular article, it is only a question of time to raise it in order to meet the further and further difficulties which the Government of Bengal have been facing and will, in future, have to face. So it is not enough consolation to us to say that so far as the principle of the Bill is concerned the rate of Rs. 3 or for the matter of that Rs. 6 is quite small and we can ignore it to help Government. That is a very serious question, and I hope members of the House will kindly carry it in their minds while casting their votes, for by doing so they let in the principle of taxing tobacco, about which we have heard so much and upon which the poorer section of our countrymen not only rely for their comforts but as some say is also considered a necessity. The question would be whether it will not be making such a thing altogether prohibitive; if not at once, not in the very distant future

There is another side of the question, Sir, upon which the Hon'ble Member ought to be in a position to satisfy us, and that is that the Government of Bengal are practically anticipating an Inquiry Committee which will start work before the new constitution is ushered in. There should be certain reserve sources on which we may have to draw in future. But if we are going to exhaust all of them at present and thereby practically leave nothing which we can indicate in future as a possible source of revenue, we shall certainly in that case be unable to satisfy the Commissioners with regard to our condition—present or future. As regards our present condition I think the best thing that the Government of Bengal can do is to insist on the full quota of the export duty on jute being given to Bengal. By trying to show that, as a matter of fact, we are meeting the wishes of the Government of India by exhausting all these sources of revenue and, what is more, by taxing a source which we ought not to tax, there is bound to result a bankruptcy hereafter against which there can be no reserve in future. So, on all these grounds, I oppose this Bill and support the motion for circulation.

**Mr. J. N. GUPTA:** Sir, I entirely agree with those hon'ble members who think that of all the five Taxation Bills the Hon'ble Finance Member has placed before this House the Tobacco Bill is perhaps the one which is open to the most serious objection. And in that view of the case I beg leave to place before him certain submissions for his consideration, in the hope that after giving my submissions careful consideration he may yet be persuaded to see the wisdom of withdrawing this measure altogether. The first submission I have to make is this—Is he quite sure that he will be able to meet the charge that this Bill goes directly against his assurance that his proposals are not meant to touch the poor at all and that, as a matter of fact, it has been so devised that it will impose no hardship upon the poor? As, however, every speaker, without exception has said before me, tobacco is probably the only source of relaxation to the poor cultivators of the land, and by taxing it—no matter in however small a measure—you are taxing a poor man's source of comfort and relaxation. As our friend Rai Bahadur Chokhany has just said, tobacco is probably the very salt of the life of the Bengal peasants. Dr. N. C. Sen Gupta has also pointed out how the incidence of this tax will fall unequally on those who will have to pay it, how rich store-keepers of large stocks will pay much less than the smaller retailers who will keep small stocks for sale to customers near their shops. I am quite sure that it will be impossible to deny that this Bill will press upon the poor and although the incidence of taxation per head might be small but we must not forget that the paying-capacity of the average peasant is almost next to nothing. Then, Sir, I will ask the Finance Member to consider as other and probably a more serious objection. I am very much afraid that this tax will open the door for a lot of interference with the daily lives of a large number of people engaged in small industries and subject them to a lot of unnecessary harassment. In making this observation I do not wish to impute any blame to the Excise Officers and their subordinates. The Finance Member has already said that the police is not going to have any hand in the matter, but whoever may be entrusted with the duty of collecting these small fees from a large number of people spread all over the province, will have a very difficult task to perform and judging from our experience in such matters we cannot help viewing the position without grave concern. We all know that there is hardly a street in Calcutta in which there probably is not a number of small *biri* or *pan* shops every one of whom will now have to take out a license. I also agree with my friends Dr. N. C. Sen Gupta and Mr. Narendra Kumar Basu that the cost of collection will be so heavy that what will come to the coffers of the treasury will be much less than what has been anticipated by the Hon'ble Finance Member.

The third submission I have to make is this: The chief justification for these taxation measures is that we must take every precaution

not to give the Government of India and the Assembly and the Special Committee which will sit later on, for opposing the claims of the province of Bengal on the score that this province has not done its utmost in helping itself. If that is our principal object, and we all admit that such a contention has a great deal of force which it will be unwise for us to brush aside, may I ask if it is absolutely necessary that all these five Bills should be passed, thus riding roughshod over the wishes of the people? Is it not proper that some regard should be paid to the united views of all sections of the elected members of this House? I think, Sir, it is eminently desirable that some discrimination should be made, particularly as the Finance Member fortified with the opinion of such authoritative bodies as the Percy Committee and the Simon Commission, who have already held that there is not much scope for additional taxation in Bengal. If, relying on these authoritative opinions the Finance Member accepts our view and drops this Bill because he finds the opposition is so strong and reasonable that he considers it unwise to proceed with it, should he not be justified? The fourth and last submission that I have to make to the Hon'ble Finance Member is this: Just at the moment when the Central Government and all the Provincial Governments are most anxious that the masses in the country should realise that the Government are their truest friends, that Government are doing all that they can to help them to lighten their lot in life and they must turn to Government as their truest friends, is it quite a wise thing to come forward with a measure of this nature? We must remember the masses have a very keen sense of the reality of things and mere words and protestations, I am afraid, will not appease them. No doubt we may say that Government are already engaged in far-reaching reform schemes but unfortunately whereas the schemes are still being matured and being held up for want of funds, the masses will be called upon to pay this tax. But even if money were to be forthcoming, it will take a long time for our reforming schemes to come into action and for the masses to feel their beneficent influence. For these reasons the present measure would seem to be most unwise and shortsighted: it will go directly against the avowed policy of the Central Government—a policy which I know the Governor General and the great statesman who presides at the head of this province have so much at heart. For all these considerations, Sir, I beg that the Finance Member will once more carefully consider whether it will not be wise for him to withdraw only this Bill out of the five which he has placed before the House.

The House was at this stage adjourned for 15 minutes.

(After Adjournment.)

**Babu PREMHARI BARMA:** Sir, in supporting the motion for circulation I beg to submit that this Tobacco Bill is quite an innovation

in the annals of taxation in Bengal. Up till now no such measure of taxation on a single commodity of everyday consumption except *ganja*, *bhang* and opium has been introduced on the floor of the Council House in Bengal. The Hon'ble Finance Member wants to place tobacco on the same category as *ganja* and *bhang*, and if this Bill is passed, the fate of tobacco will be no better than the prohibited intoxicants. The Hon'ble Sir John Woodhead said that this Bill will not affect the poor and the cultivators of tobacco. But I say that it will directly affect the poor and the tobacco-growers. There will not be as many shop-keepers of tobacco as there are now, because the very few of the poor tobacco dealers—whether wholesale or retail—will be able to procure a license. The very small number of tobacco dealers who will be lucky enough to have a license will solely control the tobacco market for none but these licensees will buy tobacco from the tobacco-growers and sell to the consumers. These licensees will be the sole dictators of prices. They will buy tobacco at their own dictated price and they will also sell at their own dictated price. In a *hât* or market where there are now say fifty tobacco shops—both big and small—there will be perhaps not more than ten in that *hât* or market and these ten shops will monopolise the tobacco market of that *hât* and thus both the growers and consumers will be equally affected. The Hon'ble Finance Member will say that the growers will be at liberty to sell tobacco both wholesale and retail. But how men of the Excise Department will differentiate in a big *hât* or market between who is a grower of tobacco and who is not? Every grower of tobacco cannot be expected to be able to procure an exemption license which will also, for practical purposes, require money.

Many of the *bonâ fide* tobacco-growers will be put to unnecessary harassment. There is nothing in the Bill which will prevent the officers and men of the Excise Department to prosecute a *bonâ fide* tobacco-grower. They will be able to prosecute any and every tobacco-grower when he goes to a market to sell his tobacco on the plea that he also sells purchased tobacco along with the tobacco grown by himself. Thus the proviso for safe-guarding the tobacco-grower will be a nullity.

Many of the hon'ble members of the House pointed out that tobacco is the only means of recreation and solace of the poor, but I beg to submit that it is not only a means of solace or recreation but also the first and foremost means of entertainment of the poor. Whenever a guest or visitor comes to one's house, the first thing the host offers to his guest or visitor is the *hukka* and *kalki*. I therefore urge that, do not try to put any impediment to the only poor means of recreation and entertainment of the poor.

The effect of the passing of this obnoxious Bill will undoubtedly be a countrywide commotion among the masses who will be directly affected by it. So long the masses have not been much moved by the Congress preachings and Congress propaganda. But if this Bill is

passed into law, it will be an easy weapon at the hands of the Congress to rouse the hatred of the masses against the Government. It is very easy to arouse a feeling of bitterness amongst the masses when they can feel that they have been directly hard hit. I ask Government to carefully consider these things before it can dare to create any ill-feeling amongst the dumb millions of Bengal.

If the Government cannot but abide by the dictates of the India Government, then restore the cut and at the same time I suggest to impose a charge, namely, a deficit charge, say one anna a rupee, on all the Government service-holders. Let this deficit charge continue as long as the Government be not in a position to balance its budget. In these days of acute economic distress it is only the Government service-holders who can really be called solvent. When their salaries have greatly increased and the price of necessaries of life greatly decreased, it will not affect them at all if a such deficit charge is imposed. I do not think that there is any force and logic in the argument of the Hon'ble Sir John Woodhead when he says—as some other provinces have imposed tax on tobacco-selling, therefore Bengal should do the same, without taking into consideration the condition of Bengal and of those other provinces. This kind of argument can have no better appellation than childish.

With these words I support the motion for circulation and oppose the motion of the Hon'ble Finance Member

**Maulvi TAMIZUDDIN KHAN:** Mr. President, Sir, after the threadbare discussion on the Bill that we have had on the floor of this House if I rise at all it is only to explain my position with regard to these measures, because the peculiar position that some of us have taken up requires some explanation. Sir, I am not one of those who are opposed to the general plan of Government to raise some money by fresh taxation under the present circumstances. Yet I cannot give my support to the measure which is now before the House. It is an undeniable fact that the time is extremely inopportune to impose a fresh burden of taxation on the already impoverished and starving populace of Bengal. We know, Sir, that an existing statute, which is of very great importance, viz., the Primary Education Act, is not given effect to on the plea that the time is inopportune to impose an education cess.

Again, Sir, it is also undenied that the burden of taxation on the people of Bengal is already too heavy. If under circumstances such as these we have given our support and are still prepared to give our support to some of the measures, it is only owing to a full sense of duty; but, Sir, by giving our support it cannot be denied that we are doing ourselves a great disservice, personally speaking; because we

are certainly making ourselves extremely unpopular to the people outside. Probably, our action will amount to political suicide on the part of many of us. But, Sir, it will be an immense consolation to us if on our graves is established, the financial stability of future Bengal. That, indeed, will be a sufficient reward for those of us who are supporting the Government. But, Sir, Government have complicated the situation very much by its action in restoring the salary cut. The restoration of the salary cut and fresh taxation go very ill together As regards that, Government have given their own explanation in this House, and I for myself am satisfied to a certain extent. The explanation is that as the Central Government have restored the cut, the Government of Bengal are in logic bound also to do the same. This may be logic for us in this Council, but I am afraid that it will be extremely difficult for us to drive this logic home so far as the matter-of-fact outside public is concerned. So having explained our general position with regard to these measures, I must say, that so far as the particular measure now before the House is concerned, it is altogether uncalled for. It is against the very principles which were enunciated by the Hon'ble Member in charge of the Bill. He said, Sir, that the underlying principles of all these measures is that no fresh burden should be placed upon the shoulders of the poorer section of the community. Sir, judged by that standard, where does the present measure stand? Are we not going to tax the poor people by this enactment? It is a patent fact that if this Bill is passed into law, the price of tobacco will surely go up, and the consumers of all classes, including the poorer sections of the community will be the sufferers. In this view, Sir, I am sorry I am not able to give my support to this measure.

**Mr. H. S. SUHRAWARDY:** Though we support this taxation we do so with the greatest amount of reluctance, if not with repugnance. Our support is in no sense any admission that we are either able to bear the burden of this taxation or that these taxations are justifiable on principle. The taxes levied in Bombay where the expenditure is Rs. 8 per head of population, can scarcely find a parallel in Bengal where the expenditure is only Rs. 2 per head. Moreover, the restoration of the 5 per cent. cut by the Government of India ought, in theory, in justice and in principle, to absolve us from the conditions which have been imposed on us by the Assembly and the Government of India last year. It will scarcely lie in their mouth to say that you should increase your income in order to lessen your deficit and at the same time call upon us, or rather compel us, to increase our commitments and our deficit. We vehemently protest against this restoration of the 5 per cent. cut, and there is not one of us who does not desire that the 5 per cent. cut should again be increased to 10 per cent.

It is not out of jealousy for Government servants, it is not because peasants and labourers and traders and merchants and professional men all alike have suffered far more under the present depression than can be measured by 5 per cent. or 10 per cent., but because there are not sufficient resources either in the Government of India or in the Provincial Governments to meet those very necessary expenses which can only justify a civilised Government.

One instance is at present passing through my mind that will show that if the Government of India was to behave fairly and justly towards its own subordinates, it would not be able to restore this 5 per cent. cut on the plea of a balance budget. I hope you, Sir, and the Council will forgive me for quoting just one instance for I earnestly trust that the Assembly as well as all the Provincial Councils and Governments vehemently oppose the restoration and will compel the Government of India to reimpose its cut once more.

There are a number of employees under the Government of India who are technically known as task messengers, but whom we know as telegraph peons. They are paid according to the message which they deliver, and their income varies from Rs. 30 to Rs. 35 per month. When the cut was imposed, their pay was deducted on that basis, but when they retire after 30 or 40 years of service in which they had given all their energy and their youth to Government, they are paid a pension of Rs. 2-8 to Rs. 4 on the basis of what is called their substantive pay of Rs. 10. Just imagine the distress which these men have to suffer when they retire in their old age, unfit to supplement their pension and this same Government of India has consistently turned down their proposals for enhancement of their pension on the plea that it has not sufficient funds to pay them. These people are poor and there is no one to voice their grievances. Is the Government of India at all justified in restoring to the highly paid officials their cut salaries and to deny to these poor people what to any reasonable person would seem to be their just claims?

It has been said that we need no more appeal to, or placate the Assembly or the Government of India, but rely upon the Finance Committee. I do not think we can afford to antagonise either, least of all the latter. The members of the Finance Committee will not be gods, but ordinary mortals and however impartial they may like to be, the influence of all the Governments including that of Delhi arrayed against us may be too much for their human and fallible judgment. We cannot lose sight of personal factors, and the personal equation—it is this that has kept us out of our dues all this time, and we cannot afford to take risks.

We have, therefore, to bear the increased load of suffering to appease the wrath of the Government of India or other provinces, and pass through the paths of travail and distress before they will relent.

We are, therefore, compelled to support the Hon'ble Finance Member. It is really a personal triumph on his part. This Council has always found him fair and above board, and he has always given us a square deal; and if we support him it is merely to strengthen his hand, and the hands of His Excellency the Governor, to whose personal influence Bengal is so deeply indebted, if we support Government we do it in appreciation of what has been done for us, and further, because we do not wish to be cast against us that Bengal would have got more had it not been for its perversity in refusing to tax itself.

Needs must when the devil drives, and the devil drives to-day with a vengeance. We yield to *force majeure* and the inevitable decrees of the tiny gods on high that rule in Delhi or Simla.

**The Hon'ble Sir JOHN WOODHEAD:** As in the case of the two previous Bills there are two motions—first the substantive one and secondly a dilatory one for circulation. As on the previous occasions, I must oppose the motion for circulation. That motion is purely dilatory in character; its only object being to gain time. I do not believe that one person who has spoken in favour of the motion for circulation has suggested that there are any points in connection with the proposed taxation in regard to which he or the House requires information. No one has suggested that the House is not in possession of all the information it requires in order to tackle it, to come to a decision on this measure of taxation. Further, a large number of members have opposed this Bill, and I congratulate Rai Sahib Panchanan Barma on a most excellent—from the point of view of length—dilatory speech. They are all quite clear in their own minds that this Bill is a thoroughly bad measure—a Bill which in their view will increase the price of the only luxury that the cultivator possesses by a large amount. They are definitely of opinion that it should be rejected. Surely at any rate from their point of view there is no reason why the Bill should be circulated for the purpose of obtaining opinion. Again, as the last speaker has pointed out and as I have pointed out on previous occasions, Finance Bills are never circulated. They are introduced and are either rejected or passed without being circulated. The Match Excise Duty Bill passed in the Legislative Assembly last year was not circulated, nor was the Sugar Excise Duty Bill; when the import duties were increased, the Finance Bill, which provided for the enhanced duties, was not circulated; and circulation was not adopted when the rates of income tax were increased. In these circumsances I have little hesitation in opposing circulation of this Bill, in fact, I do not think anybody in this House really wants the Bill to be circulated.

I do not propose to deal with this Bill as regards matters of detail. Those are questions for the Select Committee. What I propose to do

is to endeavour to meet the main argument which has been used against the Bill. This argument is that the tax, a fee of Rs. 6 for a wholesale license, Rs. 3 for a retail license and Re. 1 for a hawker's license, will impose a heavy burden on the poor consumer. That is the chief argument which has been used against this Bill. Many speakers have spoken most eloquently and with a certain amount of heat of the dire effect on the poor consumer which the imposition of a retail vend fee of Rs. 3 will cause. Let us examine what the effect will be. Apart from sentiment and apart from instinct, on which Dr. Sen Gupta placed such reliance, if members will examine calmly and closely what the effect of the license fee will be on the consumer, they will find that first of all the cultivator can still grow and sell his own tobacco without any restriction or hindrance whatsoever. If a cultivator grows tobacco for his own use, the tobacco he uses certainly cannot be increased in price and he can sell his surplus stock without taking out a license and to anybody he pleases. He can sell it to a consumer or to any retail or wholesale vendor. So far as the cultivator is concerned, certainly with regard to the tobacco he grows for his own use or for sale to others, he is absolutely unaffected by the proposed license fee.

Then what of the license fee? That fee works out at 4 annas a month, and if we assume for the purpose of calculation that a shop sells tobacco on six days a week on the average the license fee works out at half a pice per day. Then I will assume for the sake of argument that the vendor desires to pass on that half a pice per day to his customer, and I will assume that he has 20 customers a day, that is not an unusually large number. Half a pice spread over 20 customers means that in order to recoup his half pice of additional expenditure he will have to pass on 1/40th of one pice to each customer. Even if he passes on a little more than this, the additional burden placed on the consumer will be infinitesimal, nothing appreciable. In fact, when the taxation proposed is the imposition of a small license fee and not an excise duty on the article itself it is extraordinarily difficult for the vendor to pass on to the customer the additional burden. The burden is too small to warrant an increase in price. Again, I will ask you to look at it in this way. The population of Bengal is 500 lakhs. Take 5 persons in a family, that gives 100 lakhs of families in Bengal. The revenue we estimate to obtain is 5 lakhs a year. Five lakhs divided by 100 lakhs of families works out at one anna per year per family. Again, consider the case from the point of view of the imposition of a license fee by the Calcutta Corporation or a mufassal municipality. In Calcutta all retail shops are required to pay a license fee. That fee varies from a minimum of Rs. 4 a year to a maximum of Rs. 100 year. Has it ever been maintained that Rs. 4 a year paid by the small retail vendor of all commodities in Calcutta

has been accompanied by a large increase in the prices of things sold by those vendors? In mufassal municipalities the Municipal Commissioners now have the power to charge a maximum license fee of Rs. 4 a year for a retail shop. That power was given quite recently when this Council passed the Bengal Municipal Act of 1932. Members are no doubt aware that mufassal municipalities often contain within their boundaries areas which are really agricultural and not urban in character. This is particularly the case in small municipalities. Was it suggested when that Bill was passed into law that the imposition of a license fee of Rs. 4 a year for the benefit of the municipal commissioners would involve a large increase in the prices of commodities sold within a municipality? Was it at that time suggested that persons who live outside the municipal boundaries and do their shopping within the municipal boundaries would have to pay considerably more for the articles they purchase? Is not the position the same in regard to this Bill? It is proposed to impose a license fee of Rs. 3 a year for the sale of tobacco. Is it likely that this will raise by any calculable amount the price of tobacco? Dr. Sen Gupta seemed to accept in principle a tax on tobacco, but he favoured an excise duty and not a license fee. The imposition of an excise duty has been carefully examined. It has been examined, I believe, by all the Provincial Governments in India and the Government of India. The conclusion reached was that an excise duty is not a practicable proposition, certainly not at the present time. Suppose Government had brought forward a proposition of an excise duty on tobacco. What would have been the attitude of this House? Should we not have been charged with taxing the tobacco grown by the cultivators; for must not an excise duty extend to tobacco grown in Bengal? I feel sure that if Dr. Sen Gupta will work out all the implications of an excise duty he will find that it is not a practicable proposition and that under such a scheme it is not possible to exempt the tobacco grown by the cultivator.

Dr. Sen Gupta referred to people who sell in *hats*. I have explained that we have had that under consideration and I told the House that so far as people who sell in different *hâts* on different days in the week are concerned, what we contemplate is a license which would allow them to sell in more than one *hât* in the week, provided of course that sales were limited to one *hât* on any one day. Suppose a man sells in four *hâts* in a week, it is proposed that he be given a license costing Rs. 3 a year and entitling him to sell in those four *hâts*. I believe Dr. Sen Gupta went on to say that there are certain people who sell only in one *hât* on one day in the week. That is a matter of detail. If there are such persons, it may be possible to meet their cases by giving them a license at a lower fee. That is a point we are prepared to consider. But surely the existence of such people is not an adequate reason for the House refusing to accept the principle of this Bill.

Some members have also spoken of a flood of *goendas*, informers and poorly paid officers being let loose on the countryside. Sir, we have no intention of doing anything of the sort. What we propose to do is to collect the fees very much the same way as the municipalities collect their license fees, as the Calcutta Corporation collects the license fees from the retail vendors in Calcutta. The intention is that licenses shall, as far as possible, be issued by officers in the mufussal and if such an officer discovers a vendor selling tobacco without a license he will issue him a license on his paying the license fee. We may use the Circle Officers for this purpose, we may use even Sub-Registrars and we will certainly use Excise Sub-Inspectors. So much for the Bill itself, Sir.

Again, I would ask the House to pause and consider very carefully the light in which the Government of India and the Central Legislature are likely to view a refusal to impose the tax provided for in this Bill. The House will remember the condition laid down by the Government of India and the Central Legislature. Members may criticise that condition as they will; they may disapprove of it. It may be urged that Bengal is only obtaining—I refer to the grant out of the proceeds of the jute duty—what she is entitled to, and what she should have received years ago. But that does not alter the position as it is to-day. The condition is there. The condition is that we should do all that is possible to help ourselves. Are the Government of India and the Central Legislature likely to be impressed with the assertion that a small license fee will throw an unjustifiable burden on the consumer? Is it not likely that they will analyse, as I have analysed, the effects of the license fee, and is it not likely they may come to the conclusion that in spite of our protests—protests which they may discount as partly due to the coming elections—that this taxation will not throw any real burden upon the consumer? And personally I find it very, very difficult to say that it will really throw a heavy burden upon the consumer. Then they may examine what has been done in other provinces, and they will find that similar taxation exists in the Presidency of Bombay. In such circumstances shall we not run the danger that they will decide that we have not done all that we can possibly do? And I have already explained what the result of an adverse decision on that point may be. I have myself considered most carefully the assertion that this tax will impose a heavy burden on the consumer, but I cannot persuade myself that it will result in any appreciable increase in the price of tobacco. The cultivators have been exempted in regard to the tobacco they grow and the license fee is very small indeed. If there are some cases of the class of persons Dr. N. C. Sen Gupta mentioned we can probably meet them. But I fail to see how this small license fee can throw any real burden either upon the consumer or upon the vendor of tobacco.

I oppose the motion for circulation and commend my own motion to the acceptance of the House.

The motion that the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1935, was then put and a division taken with the following result:—

**AYES.**

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Bakshi, Maulvi Syed Majid.
Banerji, Mr. P.
Barma, Babu Prombari.
Barma, Rai Bahib Panchanan.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chokhany, Rai Bahadur Ram Dev.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Rural Absar.
Ewarji, Maulvi Nur Rahman Khan.
Guha, Babu Profulla Kumar.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hossain, Nawab Musharraf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Karim, Maulvi Abdul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Hasibem Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. B.
Mittra, Babu Sarat Chandra.
Mookherjee, Mr. Syamaprosad.
Mullick, Mr. Mahendra Behary.
Poddar, Mr. Annolo Mohan.
Quasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hemai.
Roy Chaudhuri, Babu Nem Chandra.
Saadatullah, Maulvi Muhammad.
Sahdan, Rai Bahadur Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Sultaimen, Maulvi Muhammad.

**NOES.**

Afzal, Nawabzada Khwaja Mohammad, Khan Bahadur.
Armstrong, Mr. W. L.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Basir Uddin, Khan Bahib Maulvi Mohammed.
Benjamin, Mr. H. D.
Birkmyre, Mr. H.
Blandy, Mr. E. B.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Dr. Jogendra Chandra.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Gurupresad.
Dutt, Mr. R. S.
Faroqui, the Hon'ble Nawab K. R. M.
Ferguson, Mr. R. H.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Lemon, Mr. G. W.
Lockhart, Mr. A. G. E.
Maguire, Mr. L. T.
Martin, Mr. G. M.
McCluskie, Mr. E. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mukherji, Babu Dhirendra Nath.
Mukhopadhyaya, Rai Sahib Sarat Chandra.
Nag, Reverend R.A.
Nag, Babu Beh Lal.
Nandy, Maharaja Srit Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Norton, Mr. H. B.
Raheem, Mr. A.
Ray, Babu Khetter Mohan.
Ray Chowdhary, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Rees, Mr. J. E.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Babu Haribansa.
Roy, Mr. Baikuntha Singh.
Roy, Mr. Sarat Kumar.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Steven, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Townsend, Mr. H. P. V.
Walker, Mr. J. R.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deG.
Woodhead, the Hon'ble Sir John.

The Ayes being 46 and the Noes 59, the motion was lost.

**Mr. PRESIDENT:** I find that three motions have been tabled relating to the personnel of the Select Committee. Two of them are out of order inasmuch as consent of members concerned has not been obtained. There remains, therefore, one motion which stands in the name of Mr. Ananda Mohan Poddar. Is he going to move it?

**Mr. ANANDA MOHAN PODDAR:** I do not wish to move my motion, Sir.

The motion of the Hon'ble Sir John Woodhead that the Bengal Tobacco (Sales Licensing) Bill, 1935, be referred to a Select Committee was then put, and a division was taken with the following result:—

**AYES.**

Aizal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Benjamin, Mr. H. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Chanda, Mr. Aparva Kumar.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Gangaprasad.
Dutt, Mr. G. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Ferguson, Mr. R. H.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hedge, Mr. J. D. V.
Heman, Mr. F. T.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Leesen, Mr. B. W.
Lockhart, Mr. A. R. E.
Maguire, Mr. L. T.
Martin, Mr. D. M.
McLuskie, Mr. E. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mukherji, Babu Dhirendra Nath.
Mukhopadhyaya, Rai Sahib Sarat Chandra.
Nag, Reverend S. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. N.
Norton, Mr. H. S
Rahoom, Mr. A.
Ray, Babu Khetter Mohan.
Ray Chaudhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J. S.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Babu Haribansa.
Roy, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. S. R.
Steven, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. J. R.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

**NOES.**

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Bakth, Maulvi Syed Majid.
Banerji, Mr. P.
Barman, Babu Premhari.
Barma, Rai Sahib Pitambaran.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Ahmeezzaman.
Chaudhuri, Babu Kishori Mohan.
Chokhany, Rai Bahadur Ram Dev.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Haji Badi Ahmed.
Choudhury, Maulvi Nurul.
Emanji, Maulvi Ser Rahman Khan.
Guha, Babu Protulla Kumar.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Hussain, Nawab Musharraf, Khan Bahadur.
Hussain, Maulvi Muhammad.
Karim, Maulvi Abdul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Nasiam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. B.
Mitra, Babu Sarat Chandra.
Mullick, Mr. Mohunda Behary.

Poddar, Mr. Ananda Mohan.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abdur.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Nagendra.
Roy Choudhuri, Babu Nem Chandra.
Sadullah, Maulvi Muhammad.
Samad, Maulvi Abdus.
Sen, Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Sulaiman, Maulvi Mohammad.

The Ayes being 57 and the Noes 44, the motion was agreed to.

## The Indian Stamp (Bengal Amendment) Bill, 1935.

**The Hon'ble Sir JOHN WOODHEAD:** Sir, I beg to introduce a Bill further to amend the Indian Stamp Act, 1899.

The Secretary read the short title of the Bill

**The Hon'ble Sir JOHN WOODHEAD:** Sir, I beg to move that the Indian Stamp (Bengal Amendment) Bill, 1935, be referred to a Select Committee consisting of—

(*1*) Mr. Narendra Kumar Basu,
(*2*) Babu Jatindra Nath Basu,
(*3*) Mr. H. S. Suhrawardy,
(*4*) Maulvi Abul Quasem,
(*5*) Mr. A. Raheem,
(*6*) Mr. C. G. Cooper,
(*7*) Rai Bahadur Keshab Chandra Banerji,
(*8*) Mr. D. Gladding,
(*9*) Mr. A. deC. Williams,
(*10*) Babu Nagendra Narayan Ray,
(*11*) Babu Satish Chandra Ray Chowdhury,
(*12*) Babu Suk Lal Nag,
(*13*) Babu Khetter Mohan Ray,
(*14*) Sir Hari Sanker Paul, and
(*15*) the mover,

with instruction to submit their report by the 9th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I do not think that I need say more at this stage. The Bill seeks to provide additional revenue by increasing the rates of certain classes of stamp duties imposed by the Indian Stamp Act of 1899

Sir, I commend my motion to the House.

**Mr. PRESIDENT:** I find that five amendments have been tabled with the object of sending out the Bill to elicit public opinion thereon. I think the House will agree with me when I say that much time will be saved if we take up only one of these amendments and the others are not moved.

(The House agreed.)

**Mr. NARENDRA KUMAR BASU:** Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st April, 1935.

Sir, I have chosen the date, 1st April, because it is the most appropriate date for the purpose of eliciting public opinion on Bills of this description. I shall not tire the House by a repetition of the general principles on which we have been opposing these Bills since the 12th instant. I shall just take up the Stamp (Amendment) Bill as it stands on the anvil and show to the House that the Hon'ble the Finance Member is wrong in thinking that this Bill does not touch the poor man. Mr. H. S. Suhrawardy is also wrong when he seems to think that the Indian Stamp (Bengal Amendment) Bill, 1935, refers to only articles of association of companies and transfer deeds and conveyances of share certificates. I am quite sure that my hon'ble friend, Mr. Suhrawardy, has not looked at the provisions of the Bill at all; and I am absolutely sure that the Hon'ble Finance Member has been misled about the provisions. Sir, there are as many as seven clauses in the Bill, and the seventh clause has as many as 25 sub-clauses. Of the various documents, the stamp duty on which it is proposed to be increased by this Bill, there are counter-parts, agreements, bills of exchange and sale, appraisements for valuation, apprenticeships deeds, bonds, certificates of sale, possession deeds, certified copies to be obtained from courts, counterparts of leases, letters of license as well as memorandum of companies, together with deeds regarding mortgage of crops, partition deeds, powers-of-attorney, releases, security bonds, settlements, etc. If my learned friend Mr. Justice, I mean Mr. Suhrawardy is of opinion that all these different items—and I have not brought to the notice of the Council all these 25 items—are those that refer to the articles of memorandum of associations and companies, and transfer of share certificates, he is hopelessly and grievously wrong, and he has gone wrong in his faithfulness towards Government benches. I submit, Sir, the mere reading of these different items and the mention of some of them, are quite sufficient to show to the House that the Hon'ble Finance Member has been misled into saying that the very poor are not touched by this Bill. All these documents refer to the poorest of the poor as well as to the rich. I submit, Sir, that the fundamental principle on which the Hon'ble Finance Member relied in introducing this Bill has been contravened by the provisions of the Bill, and that it ought to be circulated

for public opinion. We have heard before this that taxation Bills are not circulated for public opinion. If my hon'ble friend the Finance Member will turn back to 1922 and look at the proceedings regarding the Court-fees and the Stamp Amendment Acts of that year, he will find that though these Bills were not circulated for public opinion, they were at first considered by a Committee on which officials and non-officials were represented, and it was after the deliberations of that Committee that those Bills were brought before the House. Therefore, it is no use saying that taxation Bills are never circulated. These Bills have, at least in Bengal, not been introduced before consideration by a Committee, and if the present Bill had been so considered, I am quite sure the Hon'ble the Finance Member would not have been betrayed into making the remarks in regard to the Bill which he has made, nor would he have induced my friend Mr. Suhrawardy to follow suit in that mistake.

**Babu SATISH CHANDRA RAY CHOWDHURY:** I must say, Sir, that this Bill should be dropped as one of the greatest of evils before us. The reason for dropping this Bill is that it affects the administration of justice and thereby affects also the rights and privileges of the people. If you examine the statistics, you will find that there has been a great fall in the number of cases due to the economic depression. The poor people cannot now go in for litigation as they cannot pay the requisite court-fees. On the top of that, there has been an increase in the fee for the registration of documents as also in the searching and other fees which have to be given for taking copies of documents from the Registration Office.

**The Hon'ble Sir JOHN WOODHEAD:** On a point of order, Sir. I wish the member would make certain of his facts. As regards copies, it definitely says, where a fee is not chargeable under the law for the time being in force in relation to court-fees. This has nothing to do with court-fees.

**Babu SATISH CHANDRA RAY CHOWDHURY:** I am not referring to that, Sir. I am referring to the difficulties of the poorer section of the litigants. In that case, they have got to go to the Registration Office and take copies after paying the searching fee. The charge for this has been enormously increased in recent years. If in addition to that, they are required also to pay additional court-fees, that would tell heavily on them. In the Stamp Bill, you have made a provision for further taxing agreements, bonds, mortgage deeds, partitions, releases, etc. In most of these cases, Sir, the poor people as well as the rich will be affected. Sir, in the case of bonds of Rs. 200 to Rs. 400, the duty has been increased by 50 per cent., but these transactions, Sir, are commonly made by poor men. Sir, if all the increased

duties proposed in this Bill over and above what were imposed in 1922, are given effect to, I can say that most of the transactions will not be recorded in documents. The result of that will be that false claims and false defences will be set up which will not be supported by recorded documents and this will, incerase the evils of litigation. One reason which has been assigned for these increased duties is their analogy with Bombay rates, though our position at the present moment is analogous to that of Madras and Assam, and not to that of Bombay.

**The Hon'ble Sir JOHN WOODHEAD:** No: no.

**Babu SATISH CHANDRA RAY CHOWDHURY:** In the case of Bombay, we find that by their Act, III of 1932, they have raised the duties to the present level, but that Act is a temporary one which is about to expire now. So far as my information goes, it is only Bombay and Burma——

**The Hon'ble Sir JOHN WOODHEAD:** But I can assure him, Sir, that his study has not gone far enough

**Babu SATISH CHANDRA RAY CHOWDHURY:** But we have yet to be convinced of that by the Hon'ble Member. In his own statement made in the House day before yesterday, he had only cited the example of Bombay legislation of 1932 as an instance for raising the duty in Bengal by the present Bill. Sir, as I have already stated the Bombay Act is a temporary one which is about to expire Whereas Bombay and Burma moved very cautiously in the matter and wanted only to make an experiment, the Bill before us to-day is a measure of a permanent nature. This makes a good deal of difference, Sir. If it were the intention of the Hon'ble Finance Member just to tide over our present difficulties till the introduction of the Reforms, the Hon'ble Member could not have done better than to bring in a legislation of a temporary character. The fact that he wants to put this measure permanently on the statute book, shows that his desire to meet the wishes of the Finance Member of the Government of India and of the Central Legislature is only a make-belief, while his real intention is to saddle this measure as a permanent burden on the poor people of Bengal. I submit, Sir, whatever might be said about the other Bills, the effect of passing this particular Bill will be that the poorer section of the people will be very hard hit. The result will be that poor men will not be able to support their legal claims by documents; in most cases, transactions will be entered without stamped documents on account of the heavy duties that are proposed to be levied. Considering the diehardism of Government, we know that we are not likely to succeed in our attempts even to minimise these evils, but I consider

it our bounden duty to enter our protest against indiscriminate legislation, legislation which will deny justice to those who are really in need of justice being done to them. Sir, the British system of administration of justice is already very costly and the Hon'ble Member is going to make it costlier still by passing this Bill as the Stamp Act has a direct or indirect connection with the Courts of Justice. Sir, I oppose this Bill.

**Dr. NARESH CHANDRA SEN GUPTA:** Reading this Bill I was wondering if the Hon'ble Finance Member remembers the law of diminishing returns; whether he thinks that that law applies to taxation as well to other things, whether he remembers the history of the Stamp Law since 1922, and the effect upon the income from stamp revenue as a result of that. We have had instances of increasing rates of taxation on post-cards, envelopes, railway freight, stamp duties, and other things. The return has not been anything like what was expected. I am sure that in making this calculation for an increased return as a result of fresh taxation, the Hon'ble Member will be disappointed. The stamp duties already imposed upon the people are really felt as a very heavy burden. You are adding to that. I have nothing further to say beyond this, that if the Hon'ble Finance Member thinks that he will go on with this measure, my advice to him would be not to build his budget upon the anticipations which he has made in respect of this Bill. That anticipation I am sure will not be fulfilled

**Mr. SARAT KUMAR ROY:** Sir, I rise to support the motion for circulation. The announcement regarding these fresh taxation measures has been made by the Government only a short time ago, and I do not think that the people have got sufficient time and opportunity to study these Bills and gauge the magnitude of the burden that is likely to be imposed on them by such measures and on my part, I am sorry to say, I am not at all prepared to express my views clearly on the subject and to foresee the effects that might follow if the Bill is passed. I therefore think that the time allowed has been far too short and such an important measure should not be adopted in a hurry.

Sir, if you look at the statement of revenue receipts just published by the Government, and circulated amongst us, you will find that the three major heads of taxation are—land revenue about 3¼ crores, stamps about 3 crores, and excise 1½ crore Roughly speaking, these three items cover a little over 7½ crores out of a total of 10½ crores, and the remaining three crores are derived from not less than 20 other heads. Sir, this indicates that the bulk of the revenue receipts for the Bengal Government are being supplied by those people of Bengal who are dependent upon the soil for their living.

Now, Sir, I think that before this House decides upon accepting the principles of this measure, it is incumbent upon us to think of the financial position of the tax-payer as upon their capacity to bear the burden depends the propriety or otherwise of these taxation measures.

Sir, it is a well-known fact that since 1929 the country is passing through an acute economic depression arising out of abnormally low prices of all agricultural produce—the mainstay of their resources—and I think it can be safely accepted as correct that the situation has not improved to any appreciable extent even up to the end of the last year. Could you then ever think that the people are really in a position to shoulder any additional burden? And, if not, then what justification there is for these legislative measures, or for accepting the principles of fresh taxation without securing for them adequate means of obtaining additional income?

Sir, if that be the position, then are you justified in putting any further pressure on them? I think, undoubtedly not.

If, however, it is thought that these are merely sentimental arguments, and I am ignoring the exigencies of the time, the continued deficits in the budget and the effect of accepting Imperial loan on the future financial position of the province; I think that considering the present financial position of the people living upon the soil, the Government should explore other avenues of income such as may be derived by developing the natural resources of the country than think of imposing fresh taxation, for meeting the two ends. In any case, I think it is our duty to consult the views of those whom we represent in this House.

In the next place, Sir, if you once look at the particular provisions of the Bill, you will find that it seeks to impose such extra burden on the people, the proposals for which were expressly negatived in 1922 by this House.

Sir, the Stamp Law was then amended on the same ground of providing additional revenue for the new Government and the then existing scale of taxation was nearly enhanced by 50 per cent. in almost each item. That this could not and ought not to be further raised was the decided opinion of the House in that year. Sir, the economic condition that had then prevailed was unquestionably better than that which now prevails. Hence, if the additions proposed were inequitable then, they are more so now. On this ground also, I think that the present Bill is objectionable. And in any case, having regard to the opinion of this House on the same question, expressed in 1922, I think before we accept any altered opinion now, the public should be given the opportunity to express themselves on the point.

Lastly, Sir, I think it is also important for us to consider what the probable results of the proposed measure will be. The Hon'ble Finance Member assured us that the extent of additional burden to be imposed by all these new measures would not exceed 25 lakhs, and they are being resorted to simply to show that we are trying to help ourselves and therefore we deserve a share of the jute tax. But I am sorry, I have to differ from him in his views. To me it seems that the total additional burden will not be far below a crore of rupees. That means, Sir, that the existing burden is going to be enhanced by about 15 per cent. I think this is a big jump and should be avoided.

For these reasons, I think it proper to oppose this motion and so by way of amendment thereto, I move that the Bill be circulated for eliciting public opinion thereon by the 1st of April, 1935.

**Mr. KHETTER MOHAN RAY:** Mr. President, Sir, in 1922 the Indian Stamp Act was amended and stamp duty was raised in the teeth of opposition. The Government then gave as reasons for increasing the stamp duty that the Meston Award placed them in a sad predicament and they were under dire necessity of raising revenue to finance the nation-building departments of the province and the revenue raised by the amendment of the Indian Stamp Act and Court-fees Act and by an imposition of new tax on the amusements on the understanding that the additional revenue thus raised would be expended in the nation-building departments of the Government. But we find from the working of the Administration since then that while expenditure on the nation-building departments has been gradually crippled down, that on the other departments, especially the Police Department, has gone on swelling enormously. The reasons set out by the Government for raising revenue at a time when people are hardly able to bear any burden of taxation are that they must do a little bit to raise revenue in order to entitle them to get the jute export duty from the Central Government. I think, if they are so hard pressed to find out new sources of revenue, they should direct their attention to other sources than the raising of the stamp duty which has been already raised enormously only a few years back. The proposed amendments of the Stamp Act will entail hardship on all classes of people, especially the poor cultivators. Here I may mention some of the instances in order to convince the House how the proposed amendments will work hard on people. Before 1922 stamp duty on bonds generally was 8 annas per hundred. In consideration of hardship which might entail on the poor the duty on amounts not exceeding Rs. 200 was left untouched; from Rs. 200 to Rs. 500 it was raised at a scale of 10 annas per hundred and the duty on amounts exceeding Rs. 500 was raised to 12 annas per hundred. Thus, you see the duty on amounts from Rs. 500 upwards was raised 50 per cent. and the

duty on amounts from Rs. 200 to amounts not exceeding Rs. 500 was raised 25 per cent. It is now proposed to raise the duty by another 25 per cent. on amounts between Rs. 200 to Rs. 500. Not only the duty on bonds will be raised by the proposed amendments but that on other documents which have the same duty as bonds will also be raised, as for instance the instrument of partition and the partition-decree; duty on composition which was raised from Rs. 10 to Rs. 12½ is proposed to be raised to Rs. 20. Duty on memorandum of association which was Rs. 15 and Rs. 40 was raised in the first case to Rs. 30; it is now proposed to raise it to Rs. 80 and Rs. 100, respectively. Similarly, duty on release and power-of-attorney which was raised by 50 per cent. is proposed to be raised by another 50 per cent. There are other instances which I need not mention here. Raising further stamp duty will put handicap to every-day transactions of the poor villagers as well as of the merchants and traders who generally have recourse to these transactions in the course of business. The proposed amendments to my mind will heavily hit the people in general. I am therefore of opinion that public opinion should be elicited before any legislation is undertaken in this direction.

With these words I support the amendment.

**The Hon'ble Sir JOHN WOODHEAD:** Sir, I must oppose the motion for circulation. I do not propose to go over the same ground once again. Mr. Narendra Kumar Basu said that in 1922 the Bill for licensing the stamp duties was circulated. I would only qualify that by saying that the Amusements Tax Bill of that year was not circulated. Mr. Narendra Kumar Basu, whom I notice is not present now, said that these stamp duties will affect the really poor man. Well, Sir, I shall go through them.

First of all comes an agreement or memorandum of an agreement relating to the sale of a bill of exchange—that does not affect the poor man.

Appraisement of valuation made otherwise than under an order of the Court in the course of a suit, if the amount exceeds Rs. 1,000—that also does not affect the poor man.

Apprenticeship deed—a man who can afford to apprentice his son can hardly be called a poor man.

Articles of association of a company—that has nothing to do with the poor man.

An amount where the property exceeds Rs. 1,000—that can hardly be said to hit the poor man.

Bill of lading—it has nothing to do with the poor man.

Bond—the duty on bonds, where the amount secured does not exceed Rs. 200, was not increased in 1922 with a view to protect the poor man. We have again refrained from proposing any increase on bonds not exceeding Rs. 200.

Certificate of sale granted to the purchaser of any property sold by public auction by a civil or revenue court, or Collector or other Revenue Officer—the purchaser who buys a property cannot be described as a poor man.

A composition deed between a debtor and his creditor—a debtor may perhaps be described as a poor man but the poor villager will not be affected by this duty.

A copy of an extract certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—hardly likely to affect the really poor man.

Counterpart or duplicate of instrument chargeable with duty and in respect of which the proper duty has been paid—here again, particularly in view of the exemption, I do not think it is likely to hit the really poor man.

Letter of license, that is to say, any agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion—I do not think it is likely to apply to the "poor man".

Memorandum of association of a company—this has nothing to do with the poor man.

A mortgage deed other than a mortgage deed of a crop, there is no change unless a collateral or auxiliary or additional security is given and the sum secured is in excess of Rs. 1,000.

A note or memorandum sent by a broker or agent to his principal intimating the purchase or sale on account of such principal of any goods or stock—it has nothing to do with the poor man.

Partition suit—presumably it does not concern the really poor man.

Power-of-attorney—does not affect the poor man.

Release—there is no change when the value of the claim does not exceed Rs. 1,000.

Security bond or mortgage deed—there is no change when the amount secured does not exceed Rs. 1,000.

Settlement—hardly likely to hit the poor man.

Transfer of any interest secured by a bond, mortgage deed or policy of insurance, if the duty on such bond, mortgage deed or policy exceeds five rupees—not likely to affect the poor man.

Warrant of goods—this has nothing to do with the poor man.

And lastly I come to the mortgage of a crop. This, I believe, is the only item which can be said to affect the really poor man.

I have very little more to say. These rates of duty are imposed sometimes in Bombay, sometimes in Bombay, Madras and Burma, sometimes in Bombay and Burma, sometimes in the Punjab, that is in one or more provinces in India, and we propose to introduce them into Bengal.

I commend my motion for reference to the Select Committee.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

The motion that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st April, 1935, was then put and a division taken with the following result:—

**AYES.**

Ahmed, Khan Bahadur Maulvi Emaduddin.
Ali, Maulvi Hassan.
Banerji, Mr. P.
Barma, Babu Pramhari.
Barma, Rai Sahib Panchanan.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Chowdhury, Haji Badi Ahmed.
Chaudhury, Maulvi Nural Absar.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Khan, Mr. Hashem Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Mukhopadhyaya, Rai Sahib Sarat Chandra.
Quasem, Maulvi Abul.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hossai.
Ray, Babu Haribansa.
Ray, Mr. Sarat Kumar.
Saadatullah, Maulvi Muhammad.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Tāj Bahadur.

**NOES.**

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Bai, Rai Sahib Sarat Chandra.
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Beaujamin, Mr. N. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Chanda, Mr. Aparva Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chokhany, Rai Bahadur Ram Dev.
Cohen, Mr. D. J.
Das, Babu Guruprasad.
Dutt, Mr. G. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Ferguson, Mr. R. N.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. P. T.
Hussain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latiafat.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Razzar Rahman.
Maguire, Mr. L. T.
Martin, Mr. C. M.
McCluskie, Mr. E. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimeddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Norton, Mr. H. R.
Rahoom, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J. R.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Sen, Mr. S. N.
Steven, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deG.
Woodhead, the Hon'ble Sir John.

The Ayes being 30 and the Noes 48, the motion was lost.

**Mr. PRESIDENT:** Several amendments have been tabled touching upon the personnel of the Select Committee. Three of them are out of order. Mr. Poddar may now move his amendment.

**Mr. ANANDA MOHAN PODDAR:** I do not move my amendment.

**Mr. PRESIDENT:** I shall then put the substantive motion to vote.

**Mr. SARAT KUMAR ROY:** Sir, I have an amendment No. 12M on the agenda, but my name has not been called.

**Mr. PRESIDENT:** But I am told you did not give proper notice of the same.

Then the motion that the Indian Stamp (Bengal Amendment) Bill, 1935, be referred to a Select Committee consisting of—

(1) Mr. Narendra Kumar Basu,
(2) Babu Jatindra Nath Basu,
(3) Mr. H. S. Suhrawardy,
(4) Maulvi Abul Quasem,
(5) Mr. A. Raheem,
(6) Mr. C. G. Cooper,
(7) Rai Bahadur Keshab Chandra Banerji,
(8) Mr. D. Gladding,
(9) Mr. A. deC. Williams,
(10) Babu Nagendra Narayan Ray,
(11) Babu Satish Chandra Ray Chowdhury,
(12) Babu Suk Lal Nag,
(13) Babu Khetter Mohan Ray,
(14) Sir Hari Sanker Paul, and
(15) the mover,

with instruction to submit their report by the 9th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five, was put and agreed to.

## The Bengal Amusements Tax (Amendment) Bill, 1935.

**The Hon'ble Sir JOHN WOODHEAD:** I beg to introduce a Bill to amend the Bengal Amusements Tax Act, 1922.

(The Secretary then read the short title of the Bill.)

**The Hon'ble Sir JOHN WOODHEAD:** I beg to move that the Bengal Amusements Tax (Amendment) Bill, 1935, be referred to a Select Committee consisting of—

(1) Mr. P. Banerji,
(2) Mr. S. M. Bose,
(3) Mr. K. C. Ray Chowdhury,
(4) Babu Haribansa Roy,
(5) Maulvi Abdul Ghani Chowdhury,
(6) Maulvi Muhammad Saadatullah,
(7) Mr. H. S. Suhrawardy,
(8) Mr. D. Gladding,
(9) Mr A. deC. Williams,
(10) Babu Lalit Kumar Bal,
(11) Mr. W. L. Armstrong,
(12) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,
(13) Rai Bahadur Jogesh Chandra Sen,
(14) Rai Bahadur Dr. Haridhan Dutta, and
(15) the mover,

with instruction to submit their report by the 9th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Under the Bengal Amusements Tax Act, tickets of admission costing not more than 8 annas are at present exempt from the tax. The Bill provides for the imposition of a tax on tickets costing more than 3 annas. At present under sub-section 3 of section 3 of that Act tickets whose cost exceeds 8 annas but does not exceed 12 annas are liable to a tax of 1 anna. It is proposed to extend this tax of 1 anna so that it is payable also on tickets whose cost exceeds 4 annas. And on tickets whose cost exceeds 3 annas but does not exceed 4 annas, it is proposed to impose a tax of half an anna.

I have no doubt, Sir, that it will be urged by some that this tax will hit the cinema houses, and I have seen it stated that it will jeopardise the whole of the film industry in Bengal. But, Sir, will it? What is the tax? Take the 8-anna ticket. This will become a 9-anna ticket. Can it, Sir, be seriously contended that a person will be deterred from going to the pictures because the price of the ticket is raised by one anna? Again, take the 4-anna ticket. In that case the tax proposed is only half an anna. Is it likely that a person who pays 4 annas to go to the pictures will not continue visiting the cinemas, paying 4½ annas? Judging by the number of cinemas in Calcutta, there are, I believe, 32

now and I learn that there is a proposal for the erection of one or two more—in fact, I saw one under construction in Russa Road the other day—it would appear that the pictures are increasing in popularity. I suggest, Sir, that the small tax proposed is not likely to affect adversely the receipts of cinemas.

Sir, I commend my motion to the House.

**Mr. PRESIDENT:** I find that there are several motions proposing to circulate the Bill for the purpose of eliciting public opinion thereon. I am sure the House would like to follow the same procedure as before, and take up only one of the amendments to save time. I understand that Babu Premhari Barma is going to move the amendment standing in his name.

**Babu PREMHARI BARMA:** I beg to move that the Bengal Amusements Tax (Amendment) Bill, 1935, be circulated for the purpose of eliciting opinion thereon before the end of March 1935. Sir, I beg to submit that there will not be any taxation in these days of hardship without taking the opinion of the public whether such a tax should be imposed. Sir, if this Bill be passed into law, then many of infant cinema industries of Bengal will be ruined. With these words I move the motion for circulation.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I have already submitted to this Council how the tax on amusements is going to affect the cinema industry. The Hon'ble Sir John Woodhead thinks it inconceivable that a man who pays 4 annas would not be able to pay ½ anna more. The question is not exactly that. If a man can afford to go to the cinema ten times paying only 4 annas every time and if he has to pay 4 annas 6 pies each time, he will go nine times and not ten times. There are persons whom Sir John Woodhead fails to visualise who even count their pice not to speak of annas and who calculate on that basis. (MR. H. S. SUHRAWARDY: Such people don't go to the cinema.) But, then the more important fact is this: Sir John Woodhead has been struck by the large number of cinema houses in Calcutta and that they are growing in number. I wonder, Sir, if he has taken statistics to find out how many of them have behind their blazing lights been labouring under the darkest shadow of indebtedness. The more the number of cinema houses the less their profits become, and it is a fact within my knowledge that a certain number of these houses are only tottering on the verge of bankruptcy and just managing to keep themselves alive. Their mainstay is the takings from the low priced tickets and not from the Rs. 2 or Re. 1 tickets. It is only the cinema houses near about the Municipal Market area which have a substantial income from higher

class tickets. It is the 4-anna and 8-anna ticket-holders who pay most to the cinemas. If their number is diminished—already the surplus is an attenuated one—this surplus will be decreased and possibly many of these cinema houses will be soon found to be going out of existence. Already there is an apprehension that with increased competition many of them may go out of business. Now, if these cinemas go out, that will react on the cinema producers who have invested large sums of money in their business in expectation of getting a profit by showing their pictures in these show-houses. So far as the cinema producing companies are concerned, I happen to know something of the anxiety of some of these companies. They are not flourishing—many of them. They are, at any rate some of them, are making a brave show, because they have a large credit, while others are just managing to live on. Somehow, this industry is getting on still and it is one of the few industries which is just managing to keep its head out of water. If the number of cinema houses goes down and if the expansion of cinemas stops, it means that the prospects of the cinema companies will be ruined. If it had been the position that our cinema companies were flourishing like the Hollywood producers, there would be no question of their being ruined by the imposition of a small tax. Sir, Tollygunge is not Hollywood. For this reason, I think that the cinema industry will be very hard hit by this proposed taxation, and if they are hard hit, it will mean putting many people out of employment. These are facts which I am stating on the basis of my knowledge of some of the companies. Sir John Woodhead may find it inconceivable that a small tax like the one proposed would operate with such dire effect upon them. I would also ask him to look to some of the other institutions, viz., the theatres of Calcutta—the Indian theatres of Calcutta, or at any rate some of them, are tottering——

**The Hon'ble Sir JOHN WOODHEAD:** Sir, if it would save the time of the House, I might interrupt and state that the theatres have been exempted for many years from the operation of the amusements tax.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I am not speaking of the theatres being exempted from this Bill. These theatres were carrying on a very precarious existence in recent years and two of them have found it possible to get along only by avoiding the amusements tax and also by reducing the value of their tickets by going down to cinema prices. Well, after that, will Sir John Woodhead say that a tax of 1 anna or ½ anna on lower priced tickets will not affect these show-houses? Sir, I want to make my position clear. In the case of the theatres a reduction in their number and the running of show-houses have enabled at least one Bengalee theatre to live on when it was practically on the verge of bankruptcy. If this is so, this amusements tax does make the

prospects of the cinema houses very gloomy and this additional tax of 1 anna or ½ anna will certainly reduce their income and that reduction will affect their existence as well.

**The Hon'ble Sir JOHN WOODHEAD:** Sir, I am still unconvinced that this tax will seriously affect the cinemas. They are increasing in numbers; and I suppose that persons who put their money into the cinema business do make some enquiries beforehand to see whether it is a paying proposition. One may talk and talk round the subject; but when one sees the number of cinema houses increasing, one is driven inevitably to the conclusion that there is money in the business. If they, —the cinemas—cut each other's throats by increasing in numbers too quickly, I see no reason why they should on that ground be exempted from contributing something to the provincial revenues.

Sir, Dr. Sen Gupta spoke of persons who count their pice. I certainly hope that everybody who goes to a cinema and pays 4 annas or 8 annas for his seat is not so poor as to have count every pice.

Then, as regards theatres, I certainly did not follow Dr. Sen Gupta's argument. Theatres were exempted by an executive order so long ago as 1925, not so much because they were affected by the amusements tax, but because they were badly hit by severe competition from the picture houses—the trouble was that they could not compete with the picture houses. Government therefore exempted the theatres. The picture houses are certainly, as far as I can see, increasing in numbers year by year and becoming more and more popular; and I do not believe that a small tax on the lower priced seats will really affect their prosperity. So, I oppose the motion for circulation and commend my original motion to the House.

On the motion being put, a division was taken with the following result:—

**AYES.**

Ali, Maulvi Hassan.
Bal, Rai Sahib Sarat Chandra.
Banerji, Mr. P.
Barma, Babu Premhari.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Nurul Abser.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Quasem, Maulvi Abul.
Ray, Babu Khetter Mohan.
Rout, Babu Hoseni.
Roy, Babu Narbhanna.
Saadullah, Maulvi Muhammad.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.

**NOES.**

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emadeddin.
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Benjamin, Mr. N. D.
Blandy, Mr. E. N.
Chanda, Mr. Aparba Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chokhany, Rai Bahadur Ram Dev.
Choudhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Das, Babu Gurapreesad.

Dutt, Mr. S. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Hussain, Nawab Musharrul, Khan Bahadur.
Hussain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Khan, Maulvi Abi Abdulla.
Khan, Mr. Hashem Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamiruddin.
Magairs, Mr. L. T.
Martin, Mr. O. M.
McCluskie, Mr. E. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mahhopadhyaya, Rai Sahib Sarat Chandra.
Mallick, Mr. Mahendra Behary.
Ray, Reverend B. A.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Amulyadhan.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Satkowar Singh.
Roy, Mr. Sarat Kumar.
Sen, Rai Sahib Akshay Kumar.
Sen, Mr. B. R.
Steven, Mr. J. W. R.
Suhrawardy, Mr. H. S.
Townsend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Mr John.

The Ayes being 20 and the Noes 54, the motion was lost.

**Mr. PRESIDENT:** Two motions have been tabled bearing on the personnel of the Select Committee. One of them is out of order.

The other amendment was not moved.

Then the original motion of the Hon'ble Sir John Woodhead that the Bill be referred to a Select Committee was put and agreed to.

## Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 18th February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 18th February, 1935, at 3 p.m.

## Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 109 nominated and elected members.

## Oaths.

The following members made an oath or affirmation of allegiance to the Crown:—

(1) Mr. C. W. Gurner.

(2) Major-General D. P. Goil.

(3) Mr. F. C. Guthrie.

## STARRED QUESTIONS

(to which oral answers were given).

### Appointment of Audit Inspector of the Calcutta Port Trust.

*19. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that the Commissioners for the Port of Calcutta appointed in the month of August, 1934, one Mr. P. S. Subramanian as an Audit Inspector?

(*b*) If the answer to (*a*) is in the affirmative, what are the qualifications of Mr. Subramanian?

(*c*) Was Mr. Subramanian appointed to fill up the vacancy due to his being the best available person for the post?

(*d*) Was the post at all advertised?

(*e*) If the answer to (*d*) is in the negative—

(*i*) what are the reasons; and

(*ii*) how did the Port Trust authorities come to know that persons with better qualifications than Mr. Subramanian's would not offer themselves as candidates for appointment?

(*f*) What were the circumstances under which the Port Trust authorities elected to appoint a non-Bengalee?

(*g*) Is the Hon'ble Member aware that there is no dearth of persons among the Bengalees possessing qualifications and experience similar to or even much better than Mr. Subramanian's?

(*h*) Is the Hon'ble Member aware that the "Unemployment Problem", particularly among the educated class in Bengal has for some time past been becoming keener and keener?

**MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead):** (*a*) Yes.

(*b*) Mr. P. S. Subramanian is a Registered Accountant and holds a Government Diploma in Accountancy.

(*c*) Yes.

(*d*) No.

(*e*) (*i*) & (*ii*) In April, 1932, applications were invited for two vacancies of Audit Inspectors. Ninety-four applications were received and considered: thirteen candidates were interviewed and Mr. Subramanian was placed next in order of merit to the two candidates who were appointed at that time.

(*f*) The Commissioners appointed the candidate whom they considered most fitted for the post.

(*g*) I have no information.

(*h*) Yes.

**Mr. SHANTI SHEKHARESWAR RAY:** With reference to (*f*), what was the reason for not advertising the post after two years?

**The Hon'ble Sir JOHN WOODHEAD:** I cannot give any reason; except that I assume the Port Commissioners took the view that as there were 94 applicants on the previous occasion, the single vacancy on this occasion should be filled up from among those applicants.

**Mr. SHANTI SHEKHARESWAR RAY:** Is the Hon'ble Member prepared to draw the attention of the Port Commissioners to the policy of Government that preference is to be given to Bengalee candidates, if found suitable?

**The Hon'ble Sir JOHN WOODHEAD:** I must ask for notice of that question.

### Absence of a record room at Howrah.

*28. **Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the last three years the number of—

(*i*) sessions trial;

(*ii*) title appeals;

(*iii*) money appeals;

(*iv*) insurance cases; and

(*v*) rent appeals

in Howrah and Hooghly?

(*b*) Is it a fact that only for the record room, Howrah cannot be separated from the Hooghly district?

(*c*) Is it a fact that litigation is on the increase in Howrah?

(*d*) Is the Hon'ble Member aware that litigants have to suffer much for the absence of a record room at Howrah?

(*e*) Are the Government considering the desirability of providing a record room at Howrah without delay?

**MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter):** (*a*) A statement is laid on the table.

(*b*) No.

(*c*) There has been an increase in the institution of title appeals and miscellaneous cases only in comparison with that of the previous years.

(*d*) No such complaint has been received.

(*e*) The matter is under consideration.

*Statement showing the number of cases in Hooghly and Howrah, referred to in the reply to starred question No. 20 (a).*

| | Hooghly, 1932. | Howrah, 1932. | Hooghly, 1933. | Howrah, 1933. | Hooghly, 1934. | Howrah, 1934. |
|---|---|---|---|---|---|---|
| (*i*) Sessions trials .. .. | 35 | 40 | 42 | 54 | 42 | 46 |
| (*ii*) Title appeals .. . | 196 | 196 | 175 | 171 | 152 | 294 |
| (*iii*) Money appeals .. .. | 73 | 71 | 61 | 64 | 69 | 61 |
| (*iv*) Insurance cases .. .. | .. | .. | .. | .. | .. | .. |
| (*v*) Rent appeals .. .. | 134 | 57 | 127 | 43 | 127 | 36 |

### Litigants' attendance in the Howrah courts.

*21. **Dr. AMULYA RATAN GHOSE:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that litigants from distant places like Uluberia and Amta are compelled to attend the Howrah courts at 11 a.m.; and

(*ii*) that many cases have been dismisesd for default in attending court in proper time after the promulgation of a new circular regarding time of attendance in courts of litigants at Howrah?

(*b*) If the answers to (*a*) are in the affirmative, is the Hon'ble Member considering the desirability of taking steps with a view to extending the time of attendance of litigants in the Howrah courts by at least half an hour, that is, at 11-30 a.m.?

**The Hon'ble Sir BROJENDRA LAL MITTER:** (*a*) (*i*) Yes.

(*ii*) It appears that in the Munsifs' Courts at Howrah some cases were dismissed for default during 1934, but it cannot be ascertained if these cases were dismissed for non-attendance at 11 a.m.

(*b*) No. The High Court's rules have always required Judicial Officers to take their seat at 11 a.m. and no special case has been made out for deviation from the general rule in the case of Howrah.

### Calcutta Port Trust contracts.

*22. **SETH HUNUMAN PROSAD PODDAR:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to lay on the table a statement showing, since Mr. Elderton became the Chairman of the Calcutta Port Trust,—

(*i*) how many contracts, the cost of each one of which exceeded two thousand rupees the Port Trust authorities have entered into for execution;

(*ii*) how many of such contracts have gone to Indians;

(*iii*) how many have gone to non-Indians; and

(*iv*) what is the sum total of the money that has been paid to Indians and non-Indians respectively for the contracts?

(*b*) Do the Port Trust Authorities as a rule always invite tenders by notification for the information of the interested public in the columns of the "Indian Trade Journal," "Statesman," the "Amrita Bazar Patrika," and the "Advance"?

(c) What is the amount of money that has been paid to Messrs. Bird and Company during the last four years in consideration of the work executed and the material supplied to the Port Trust?

(d) Is it a fact that the Accountant-General, Bengal, objected from the audit standpoint to the principle of giving labour contracts to Messrs. Bird and Company without inviting tenders?

(e) Is it also a fact that in a recent meeting of the Commissioners for the Port of Calcutta, a resolution on the basis of a "Note" submitted by Mr. Elderton approving the continuance of Messrs. Bird and Company as labour contractors was carried, with Mr. G. L. Mehta (Indian Chamber of Commerce), Mr. A. V. Venebles (Agent, East Indian Railway), and Mr. B. R. Singh (Agent, Eastern Bengal Railway) dissenting?

(f) Is it also a fact that the Chairman, Mr. Elderton, while recommending the case of Messrs. Bird and Company had to admit that if tenders were called, there would be "parties quoting cheaper rates than Messrs. Bird and Company"?

(g) Is it also a fact in the "Note" that Mr. Elderton submitted in this connection, it was more or less clear that employment of departmental labour has economic advantages over the work entrusted to Messrs. Bird and Company?

(h) If the answers to (e), (f) and (g) are in the affirmative, will the Hon'ble Member be pleased to state—

(1) why do not the Port Trust Authorities invite tenders for the supply of labour; and

(2) what is the actual significance of the arguments that Mr. Elderton in his "Note" used against departmental labour?

(i) Is the Hon'ble Member aware that there is a very strong public opinion against the present policy of giving labour contract only to Messrs. Bird and Company?

(j) Are the Government considering the desirability of issuing instructions that when the next opportunity arises tenders for the same should be called just as the Railway Board is now calling tenders for working the State Collieries?

**The Hon'ble Sir JOHN WOODHEAD:** (a) The information is not readily available and its collection would entail considerable time and labour and Government regret that they are not prepared to ask for the same.

(b) The Commissioners advertise in daily newspapers when they invite tenders for an annual supply of stores. In other cases the advertisement usually only appears in the "Indian Trade Journal."

(c) The following amounts were paid to Messrs. Bird and Company for the supply of labour:—

| | | Rs. |
|---|---|---|
| 1930-31 | ... | 21,63,906 |
| 1931-32 | ... | 18,83,215 |
| 1932-33 | ... | 15,73,377 |
| 1933-34 | ... | 16,90,189 |

The amounts paid to Messrs. Bird and Company in respect of other contracts are not available.

(d) The Accountant-General, Bengal, was in favour of tenders being invited.

(e) Yes.

(f) In his note Mr. Elderton expressed the opinion that if tenders were invited, rates cheaper than those paid to Messrs. Bird and Company would be quoted but that the parties quoting such rates would pay less to their coolies and that it was in the best interests of the Commissioners to pay sufficient to retain a contented labour force.

(g) No. Mr. Elderton stated the opposite view.

(h) (1) The Commissioners after full consideration decided that it would be in the best interests of the Port Trust to continue the contract with Messrs. Bird and Company.

(2) Mr. Elderton expressed the view that departmental labour would not prove economical in the long run.

(i) Government are not aware of any such feeling.

(j) No.

**Mr. NARENDRA KUMAR BASU:** Are any records kept of the contracts entered into by the Port Commissioners?

**The Hon'ble Sir JOHN WOODHEAD:** Yes, Sir. I assume so.

**Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member be pleased to state whether a very large number of contracts exceeding Rs. 2,000 were entered into by the Port Commissioners from year to year?

**The Hon'ble Sir JOHN WOODHEAD:** I presume that is quite possible, Sir.

**Mr. NARENDRA KUMAR BASU:** Then may I ask why it should entail a considerable time of labour to collect the information asked for in (a) (i)?

**The Hon'ble Sir JOHN WOODHEAD:** I presume it would require search through a large number of papers and documents.

**Mr. NARENDRA KUMAR BASU:** I understood the Hon'ble Member to say that there is a list of contracts——

**The Hon'ble Sir JOHN WOODHEAD:** I did not say a list of contracts, but a record of contracts.

**Mr. NARENDRA KUMAR BASU:** If there is a record of contracts kept by the Port Commissioners, why should there be any difficulty to collect the information?

**The Hon'ble Sir JOHN WOODHEAD:** I do not know whether there is a consolidated record of all contracts.

**Mr. NARENDRA KUMAR BASU:** With reference to the latter part of answer (c), why is the information regarding the amount paid to Messrs. Bird and Company not available?

**The Hon'ble Sir JOHN WOODHEAD:** I believe it is not readily available as a large number of documents and papers has to be examined to extract the information.

**Mr. S. M. BOSE:** Why had not the opinion of the Accountant-General, Bengal, been adopted?

**The Hon'ble Sir JOHN WOODHEAD:** The answer is given in reply to another part of the question. The Port Commissioners came to the conclusion that it would not be advisable to call for tenders for the supply of labour.

**Mr. SHANTI SHEKHARESWAR RAY:** What is the total number of subscribers to the *Indian Trade Journal*?

**The Hon'ble Sir JOHN WOODHEAD:** I do not know.

**Mr. NARENDRA KUMAR BASU:** Can an audit objection made by the Accountant-General, Bengal, be set at nought by the Port Commissioners?

**The Hon'ble Sir JOHN WOODHEAD:** Not set at nought; the Commissioners after due consideration did not accept the view taken by the Accountant-General, Bengal.

**Dr. NARESH CHANDRA SEN GUPTA:** Do I understand that it is not possible for the Port Commissioners to invite tenders for contracts specifying the minimum rates to be paid to the labourers?

**The Hon'ble Sir JOHN WOODHEAD:** That is a matter of opinion, Sir, and one in regard to which it is extremely difficult for me to give an answer.

**Civil and money appeals in certain district courts.**

*23. **Maulvi ABDUS SAMAD:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the year 1933—

(*i*) the total number of regular civil appeals filed respectively in the courts of the District Judges of Nadia, Murshidabad and Jessore: and

(*ii*) the total number of money appeals up to the extent of—

(*a*) Rs. 1,000; and

(*b*) above Rs. 1,000?

**The Hon'ble Sir BROJENDRA LAL MITTER:** A statement is laid on the table.

(*i*) Nadia—230. Murshidabad—362. Jessore—246.

(*ii*) (*a*) Nadia—41. Murshidabad—45. Jessore—51.

(*b*) Nadia—Nil. Murshidabad—9. Jessore—1.

## UNSTARRED QUESTIONS

**(answers to which were laid on the table)**

**Realisation of boat hire incurred in the service of processes at Rangpur.**

7. **Mr. K. C. RAY CHOWDHURY:** With reference to the reply to unstarred question No. 22, dated the 20th December last, will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the main object of realisation of the amount of boat hire in the Rangpur district;

(*ii*) the conditions for which the amounts were not paid to the process-servers; and

(*iii*) the reasons why the amounts were not refunded to the parties through their respective pleaders?

**The Hon'ble Sir BROJENDRA LAL MITTER:** (i) To cover the cost of boat hire incurred in the service of processes.

(ii) They did not submit their bills with necessary details.

(iii) There is no provision for such refund.

### Pension to process-servers.

8. **Mr. HASHEM ALI KHAN:** (a) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the revised scheme for granting pension to the process-servers will be given effect to from the ensuing financial year?

(b) If the answer to (a) is in the negative, will the Hon'ble Member be pleased to state when any action in this direction may be expected?

(c) Are the Government considering the desirability of taking steps in the matter?

(d) Is the Hon'ble Member aware that it is a long-felt grievance amongst the process-servers?

**The Hon'ble Sir BROJENDRA LAL MITTER:** (a) No.

(b) It is not possible to make any statement about this.

(c) Not at present.

(d) Representations on the subject have been received from time to time.

## GOVERNMENT BUSINESS

## LEGISLATIVE BUSINESS

## GOVERNMENT BILLS.

### The Bengal Development Bill, 1935.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I beg to introduce a Bill to provide for the development of lands in Bengal and to impose a levy in respect of increased profits resulting from improvement works constructed by the Government.

(The Secretary then read the short title of the Bill.)

### The Albert Victor Leper Hospital Bill, 1934.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I introduce a Bill to provide for the incorporation of Trustees for the Albert Victor

Leper Hospital at Gobra in Calcutta and to make provision for other matters in relation thereto.

(The Secretary then read the short title of the Bill.)

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I move that the said Bill be referred to a Select Committee consisting of—

(1) Mr. C. G. Cooper,
(2) Rai Bahadur Dr. Haridhan Dutt,
(3) Mr. S. M. Bose,
(4) Babu Haribansa Roy,
(5) Babu Sarat Chandra Mittra,
(6) Babu Amulyadhan Ray,
(7) Dr. Naresh Chandra Sen Gupta,
(8) Mr. H. S. Suhrawardy,
(9) Mr. A. Raheem,
(10) Maulvi Muhammad Saadatullah,
(11) Mr. Razaur Rahman Khan,
(12) Mr. D. J. Cohen,
(13) Mr. C. W. Gurner,
(14) Mr. G. S. Dutt,
(15) Major-General D. P. Goil, and
(16) the mover,

with instruction to submit their report by the 25th February, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** The object of the Bill has been clearly stated in its Statement of Objects and Reasons. The Albert Victor Leper Hospital is an institution which can trace its origin to 1824. After various changes in its location and management the hospital came to be situated at Gobra in 1889 when public subscription was raised to commemorate the visit of Prince Albert Victor to India. His Royal Highness was much interested in the movement for amelioration of the condition of lepers which was then gaining strong support in England. A Leper Asylum was therefore considered to be the most suitable form of memento of the Prince's visit. To meet the requirements of the Leper Act which provides for the segregation of pauper lepers, the Albert Victor Hospital was declared an asylum under section 3 of the Act and it was placed under the management of a Board of Trustees constituted for the purpose subject to Government supervision. The institution has now lost its character as an asylum. Detention of pauper lepers is of rare occurrence. It is now to all

intents and purposes a hospital meant for persons suffering from leprosy. Such an institution particularly appeals to public charity and its maintenance as a State institution places it under a disadvantage, and the result is to discourage charity or to make it ineffective so far as the hospital is concerned. Being maintained by Government money, gifts and endowments for the maintenance of the hospital under the Accounts Rules are credited to Government without benefiting the institution in any way. In fact, the Corporation grant and the exemption of taxation granted to the institution by the Corporation has not conferred any benefit on the hospital, but has only served to relieve Government revenues. The existence of the miscellaneous trust funds allotted to special purposes at the hospital also creates difficulties of adjustment with Government expenditure. These funds and other properties of the hospital are now maintained by three different authorities, namely,—the Government, the Treasurer of the Charitable Endowments, the Official Trustee and the Administrator-General of Bengal. The Commissioner of the Presidency Division is the President of the existing Board of Management.

In the Bill it is proposed to constitute the Albert Victor Hospital into a Trust Fund institution analogous to the Ranchi European Mental Hospital on a semi-independent footing as regards financial and administrative control with a fixed grant of Rs. 60,000 from Government corresponding to the total average expenditure of Government on the institution in the recent years and no financial saving will accrue to Government under the scheme suggested in the Bill. The scheme will bring all the different trust funds and other properties of the institution together with the management of the hospital directly under a Board of Trustees with 15 members, five of whom will be *ex-officio* trustees while eight will be appointed by Government and two by the Corporation of Calcutta. Those to be appointed by Government will include a representative of the British Empire Leprosy Association or any other organisation interested in the India anti-leprosy work. The Commissioner of the Presidency Division will continue to be the *ex-officio* Chairman of the new Board, while the Superintendent of the hospital will be the *ex-officio* Secretary. The Government will exercise supervision and control over the Board to ensure proper management of the funds and of the hospital. The hospital as it now stands has been brought into relation with sections 3, 5 and 16 of the Lepers Act of 1898. The present Bill preserves this relationship.

The Corporation of Calcutta has given its consent to the insertion of the provision in the Bill imposing a statutory liability on the body to contribute Rs. 7,000 annually towards the fund of the hospital. Certain suggestions have been made by the Corporation in regard to

detailed provisions of the Bill which will be placed before the Select Committee considering this Bill.

**Rai Bahadur Dr. HARIDHAN DUTT:** I rise early to give my wholehearted support to this motion. I was waiting for a Bill like this being placed before the Council for the last three years. Since some time past the Gobra Leper Asylum has been changed into a hospital and some of us who took an interest in the question of the amelioration of the condition of lepers have been waiting for such a Bill. During the last three years Commissioner after Commissioner of the Presidency Division attempted to place such a Bill before the Council. After waiting for years I am glad to find that a Bill of this nature has been put forward through the intervention of the Hon'ble Minister.

Sir what I have noticed during the last three years is that since that asylum changed its character into a hospital, people suffering from leprosy have been anxious to get admission in order to have proper treatment. The Council must have heard the name of Dr. Muir who has been working most earnestly with a view to ameliorate the condition of lepers in Bengal. Be it said to the credit of Dr. Muir and his co-workers that they have already changed the aspect of the disease. At one time leprosy was considered to be incurable, but it has been proved that with proper treatment the disease is curable, and so the asylum has been turned into a hospital. Sir, I have had the honour of being a Trustee of this institution for the last 25 years and more, and I have noticed various changes which have taken place in this institution. I know that people suffering from leprosy are now anxious to get into it for treatment. The Board of Trustees have found it necessary to extend and to improve the facilities offered by the institution, but that could not be done adequately. People were under the impression that as the institution was being run by Government, they had no responsibility in the matter. A few years ago when I was in the Corporation I found great difficulty in persuading our friends there to increase their grant to Rs. 7,000 per year. The Corporation also advanced the argument that the responsibility for running the institution lay with the Government. That led us to think it was time that the nature of the institution should be changed. Since then some of us who were interested in the institution had been trying to have a Bill like this, and I am glad that the Bill has at last come before us.

Now that we are on the second reading of the Bill, I should like to point out one or two things. The first is that Government has fixed their contribution once for all at Rs. 60,000 a year. It is true that during the last three years the expenditure of Government did not exceed that amount. But I would respectfully draw the attention of

the Hon'ble Minister to clause 7 where it is laid down that Rs. 60,000 would be the maximum liability of the Government of Bengal for all time to come. May I point out that Rs. 60,000 for the entire leper population of Bengal is not sufficient. This is the only leper hospital in Calcutta and to limit the grant to Rs. 60,000 a year would not be proper. I would ask the Hon'ble Minister to keep provisions in the Bill for increasing the amount on a later date if necessary. There ought to be some elasticity in the provision.

Then I come to the Corporation. I notice that there are some members belonging to the Corporation in this Council, and I would draw the attention of these members particularly to the fact that Rs. 7,000 a year for the whole leper population of Calcutta is a very small sum. I would ask them to consider whether if they had to run a leper institution in Calcutta themselves, they could have done it for Rs. 7,000 a year. Sir, the Gobra Leper institution is capable of very great improvement and expansion, but that can only be possible if the Corporation and the Government co-operate with each other.

This reminds me of another thing. About three or four years ago the late Sir Kailas Chandra Basu—whom I cannot but remember to-day—and myself got an offer of Rs. 50,000 for the expansion of the hospital. That sum of money was actually handed over to the Government, but that money had to be returned to the donor, the late Babu Tularam Goenka. Myself and Sir Kailas went to that gentleman and persuaded him to grant that money for the expansion of the hospital. That money was deposited in the bank and some interest accrued, but as the Government could not grant any amount for recurring expenditure, the donation had to be returned to the donor through myself. I think that the provision should be made more elastic, so that a further expansion of the institution may be possible.

There is another point. Dr. Muir's treatment has, as I have already mentioned, practically transfomred our ideas into new shape. We now find that respectable people suffering from leprosy are anxious to have homes within the walls of this excellent institution. But we have no seat arrangement in the hospital at present. It is time that homes should be built for the reception of people who are unfortunately lepers and are not liked by their own people. Many of them will gladly come within the walls of this institution and end their days in peace there. We have got the land there, about 20 to 22 bighas, sufficient to accommodate many more patients, but cannot build for them because we have no money. Sir, I can assure you that it may not be impossible or difficult to secure money enough for buildings for this purpose, but the recurring expenditure is the most important thing. The other day the Hon'ble Minister in connection with the Medical College Centenary gave us a promise of the necessary amount of recurring expenditure from Government, and that was the reason why people

came forward with donations of nearly 3 lakhs, and we expect to get another 2 lakhs to complete the whole scheme. Without a promise for the recurring expenditure, it is very difficult to get money for the expansion of any institution, however laudable the object may be. If a rich man is asked for money for building purposes, the money may be forthcoming, but who is to run the show? Certainly the recurring expenditure is more important. Here the only recurring expenditure of which we have got a promise is Rs. 60,000 from Government and Rs. 7,000 from the Corporation, the rest is left to the public, but the public cannot be expected to do wonders. We have appeals for the Medical College, appeals for the Dufferin Hospital, and appeals for various other charitable institutions, in Calcutta. Over and above that this will have to struggle along. That is my reason why I must earnestly appeal to those concerned that this Government grant should be more liberal.

There are some minor points, but I find that my name has been included in the Select Committee, so I shall have an opportunity of pressing those points there. I shall not take up the time of the Council any further.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** May I be permitted to speak, Sir, just to explain one or two matters to the Rai Bahadur. At the outset, I may assure the hon'ble member that I fully reciprocate his sentiments with regard to this institution. This is no doubt a very deserving cause, and the institution deserves both State and public support as much as possible, but, certainly Rs. 60,000 is no mean amount considering the financial state of Government at present. Rs. 60,000 is quite a suitable grant. The Corporation of Calcutta, on whom the responsibility for the treatment of leprosy within the municipal limits of the city falls, has come forward with only Rs. 7,000. That contribution is very welcome, but I only wish it were Rs. 70,000 instead of Rs. 7,000.

As regards the language of clause 7 of the Bill, there is a suggestion from the Corporation that it should be on the same lines as clause 8, namely, not to fix the maximum of Government's financial contribution, but this is only a permissive clause which might be increased to any amount according to the finances of Government. This recommendation will be placed before the Select Committee and it will have the option of accepting or rejecting it.

Now, as regards the contribution from Babu Tularam Goenka, I may remind the hon'ble member that his contribution of Rs. 50,000 was subject to certain conditions to which Government could not agree, namely, that the money should be spent on an institution to be built

in the interests of persons belonging to his community. This was a condition which Government could not possibly agree to. (A VOICE: A portion only.)

Sir, Rs. 60,000 does not represent the total contribution of Government for the amelioration of the condition of the people suffering from leprosy. Besides this Rs. 60,000 Government pay a capitation grant to the Leper Asylum at Bankura and the Leper Asylum at Raneeganj. The total amount comes to about Rs. 17,000 annually.

The motion was put and agreed to.

**The Bengal Village Self-Government (Amendment) Bill, 1934.**

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I beg to present the Report of the Select Committee on the Bengal Village Self-Government (Amendment) Bill, 1934.

I beg to move that the said Bill, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

*Clause 1.*

The motion that clause 1 stand part of the Bill was put and agreed to.

*Clause 2.*

The motion that clause 2 do stand part of the Bill was put and agreed to.

*Clause 3.*

**Mr. P. N. GUHA:** Mr. President, Sir, I beg to move that in clause 3, before sub-clause (*1*), the following be inserted, namely:—

"(*a1*) in sub-section (*1*), after the words 'every male,' the words 'or female' shall be inserted;"

Sir, my amendment vindicates a broad principle of vital importance, and I have brought it before the House for the reason that the Bill is going to perpetuate a grave scandal by depriving the women of our country from their legitimate right of exercising the franchise. Sir, this particular Bill is divided into two parts—the first part deals with the question of franchise and the second part with the administration affairs of the union boards. The latter part has not been touched either by the Hon'ble Minister or by the Select Committee. The *chaukidars* have been left where they were——

**Mr. PRESIDENT:** Are you going to criticise the whole Bill?

**Mr. P. N. GUHA:** No, Sir, I do not intend to do that, and I shall pass on to my amendment by saying that a more ill-conceived and ill-thought-out amending Bill could never have been introduced. That is all.

With regard to my amendment, it will be seen, Sir, that franchise has been given only "male persons" above the age of 21. This is quite antagonistic to the accepted principle under which the new Indain constitution has been framed and the constitution Bill being piloted through the House of Commons. Voting powers have been given to a very large number of Indian women, and they will play an important part in the new constitution. Here the Hon'ble Minister himself has given franchise to a certain percentage of women living within the jurisdiction of municipalities. In Calcutta the women taxpayers can vote; in the mufassal towns they can do so as well. They have been enfranchised in the cases of legislatures, but the Hon'ble Minister in charge of the Department of Local Self-Government in Bengal has, in his wisdom, thought it prudent to deprive the women living in villages of the rights. A woman living in a village and paying a certain amount of tax will be able to participate in the election of the Legislative Council and the Legislative Assembly, but she will not be able to do so in the election of the representative of her own village to the union board. A position more ridiculous and more untenable can hardly be thought of. Sir, I know that the argument will be put forward that franchise has not been given to women in cases of local boards and district boards. I consider the omission to be a matter of shame and no time should be lost to rectify the mistake. Sir, union boards deal with the affairs of the villages and our womenfolk who reside there are the best judges of men and things in their localities. Each and every one of them has got strong common-sense and given the power, all of them will move in the right and proper direction. The principle has been accepted everywhere and there is no reason why it should not be accepted here. I hope the House will accept my amendment and thereby vindicate the broad principle of woman franchise.

**Dr. NARESH CHANDRA SEN GUPTA:** This is one of the rare occasions on which I find myself in entire agreement with Mr. P. N. Guha. Mr. Guha has raised the broad question of principle which has now been accepted, namely, that women should have the same political status as men, at least so far as franchise goes, at least so far as their right to be heard in public matters goes. It has been said that in local boards and district boards the woman franchise has not been recognised. But then there has always been a difference between a district board election and a village union board election. I ask the hon'ble members to remember that in affairs relating to local bodies, women are not always powerless. As a matter of fact, there

are numerous affairs in the village which are regulated by the voice of villagers not excluding some women. It is after all a village affair, and in that matter women ought to be able to give their votes. Besides, what would be the effect of this amendment? It does not mean that every woman would be forced to come and give her vote. It only enables her to exercise her right. The law, as it now stands, disqualifies her, however strong and capable and businesslike she may be, however well qualified to vote or to decide in such matters she may be, she is absolutely shut out. In the light of that argument, I would ask you to recall to your mind those great women who have had a dominant voice not only in village affairs but also in others in the past in Bengal, the women *zemindars* who dominated entire subdivisions, if not districts; well, they are not to vote according to this law in respect of election to village union boards. What possible justification can there be for that class of women to be shut out. So far as village councils go, the voice of women has always been heard so long as there was a village community, not only in the immediate past, but also in remotest times. In the *Rig Veda*, you will find that the bride at the time of the marriage is invoked by *mantras*, by one of which she is asked to address the assembly *Vidatham avadâsi*. In later times, you find women interfering in and sometimes dominating village life. Well, there is no reason why women should be shut out from taking part in the regulation of village affairs at the present moment by a decree for an exclusion of this kind. I do not think that most women will come forward, but certainly those who want to come forward and are qualified to come forward, should not be disabled from doing so.

**Maulvi SYED MAJID BAKSH:** Sir, it is not my intention, I must say to begin with, to deprive a woman of her franchise. But in this particular instance, I find that if this amendment is accepted, an anomaly will be created. The anomaly lies in this that these union boards go hand in hand with local boards and district boards in the same class of local self-government, but they stand on a different footing from municipalities. I shall be very glad if an amendment is brought so far as local boards and district boards are concerned, granting the franchise to women. Then and then only, as my friend has pointed out, there will be the justification to grant the vote to women so far as union boards are concerned. If in elections to local boards and district boards women are debarred from exercising their votes, and the same right is given to them in the matter of elections to union boards, that would be an anomaly. I have no objection if my friend brings an amending Bill and I shall be the first person to support it, but to create an anomaly in this way would take away the harmony from the whole scheme. I do not suggest that women in municipal towns are given this right because they are more advanced than village women,

but in order not to create an anomaly which is also a matter of principle, I beg to oppose this amendment.

**Maulvi ABUL KASEM:** I rise to oppose this motion for granting votes to females in union boards, but I do so not haltingly and hesitatingly like my friend Mr. Majid Baksh who does it because he thinks that as district boards and local boards have not got any female franchise, union boards should not have it. I oppose it on the ground that whether you call it an advance or not, our ladies would not like the idea of going to the polling station for the purpose of voting, or sitting as members of union boards. Sir, the villages in Bengal are not the Calcutta city, where we find advanced women and advanced ladies—whether this advancement is backward or forward is a matter of opinion—but I can tell the House that in the village life, our ladies occupy a very sacred position, and so they should not be dragged into politics. It is no doubt true that they exercise a great influence over their families, and it may be over the social matters, but to drag them into politics will neither be desirable nor will it be of any benefit to the community at large. I ask this House, do what you can to educate your women, to make them fit for their legitimate duties, but for God's sake do not unsex them.

**Mr. P. BANERJI:** I rise, Sir, to support the motion of Mr. P. N. Guha. I do so, because I consider that this motion is a reasonable one. The Hon'ble Minister always professes to be a great reformer. As you are aware, Sir, he has introduced a large number of Bills. In introducing those Bills and making speeches on them he has always said that they were a step forward. May I ask him, Sir, that in introducing this Bill, which debars women from exercising their franchise, is he acting as a member of the Liberal Party to which he professes to belong, or as a conservative member? Sir, to-day we find all over the world women are playing their parts well in all affairs, particularly in civic affairs. Maulvi Abul Kasem has just said that their womenfolk, I mean the Muhammadan ladies, will not like to come to the polling stations.

**Maulvi ABUL KASEM:** I did not say "Muhammadan ladies" but "our ladies."

**Mr. P. BANERJI:** Sir, I shall give you one instance in point. In the Jessore Municipality, we find that the Vice-Chairwoman is a Muhammadan lady. As Mr. Guha has pointed out, women have been enfranchised so far as municipalities and legislatures are concerned only recently, and it is not understood why they should be debarred from it in the case of union boards. Government desire to educate the people with the object of establishing union boards, and only recently they have held various durbars and spent about Rs. 20,000 in the district of Midnapore for this purpose. Sir, women in the villages take

interest in these matters, but in spite of that the Hon'ble Minister is going to exclude them from the union boards. Mr. Majid Baksh has said that because in the local and district boards there is no such franchise, therefore there should not be any female franchise in the union boards as well. Sir, I consider that that is no argument at all. Sir, we should make a beginning and extend the franchise to womenfolk instead of waiting for the Hon'ble Minister to bring in an amending Bill.

With these words, Sir, I support the motion.

**Mr. S. M. BOSE:** Sir, I am astonished at the opposition by Maulvi Abul Kasem to this amendment. It is too late in the day, I submit, to try to oppose woman's franchise. It is too late, I say, to oppose the spread of woman franchise. We have got to accept that willy-nilly. That principle has been embodied in most recent laws, and I see no reason why union boards should be excepted. The real truth, it seems to me, is that males are afraid that women will swamp them. Women rule over men everywhere, and I see no logical reason why women should be excluded from union boards. Sir, we are making laws not for one year, but as a permanent measure. Some may say that it is too early to expect women to vote in the villages. But there is no reason whatever to suppose that, say, five or ten years hence, women will not come out to vote. Sir, these objections we have heard over and over again in connection with many other institutions such as municipalities, legislative councils, etc. But, Sir, the recent advance of women's education has shown us that all these objections are without any basis or foundation. Women will come out and vote. Arrangements have been and can be made to allow women to vote privately without any objection on their part. If that be so, I do not see any ground in the objection that women will not come to vote.

With these few words I support the amendment.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** So far as the question of principle is concerned I confess, Sir, I am at one with Mr. Guha. But the point for consideration is how to translate this principle into action. This amendment has been suddenly sprung upon Government. This question was only incidentally referred to in the Select Committee meetings, but that body did not consider it desirable to introduce such a change.

**Mr. SHANTI SHEKHARESWAR RAY:** Is the Hon'ble Minister entitled to refer to the proceedings of the Select Committee?

**Mr. PRESIDENT:** But the report of the Select Committee is already before the House now.

**Mr. SHANTI SHEKHARESWAR RAY:** But he is referring to the proceedings that took place there.

**Mr. PRESIDENT:** In regard to what he has said so far, I do not think the Hon'ble Minister is out of order.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I am not referring to the proceedings at all. This thing does not appear anywhere in the proceedings. If female franchise is introduced in the union boards, probably separate arrangement will have to be made for the polling of women and the cost will have to be borne by the district boards. On this point we had no opportunity of consulting the district boards. Moreover, the municipalities are certainly more advanced areas than the union board areas. We have just introduced this innovation in the Bengal Municipal Act, and I think it will be desirable to allow this experiment a little more time and find out how it works before introducing it in union boards.

With these few words I oppose the amendment.

Mr. P. N. Guha's motion was then put and lost.

Mr. President called upon Mr P. N Guha to move his amendment No. 2.

There being no response, he passed on to amendment No. 3 standing in the name of Rai Bahadur Keshab Chandra Banerji which was not moved.

Mr. President then called upon Mr P. N. Guha to move his amendment No. 4.

**Mr. P. N. GUHA:** But, Sir, I had no opportunity of moving my amendment No. 2.

**Mr. PRESIDENT:** But you did not rise when I called out your name, and I was under the impression that you would not move it.

**Mr. P. N. GUHA:** Probably I did not hear you, Sir.

**Mr. PRESIDENT:** I am very sorry, but I cannot help that.

**Mr. P. N. GUHA:** This amendment embodies a very important principle and I should like to have your permission to move it.

**Mr. PRESIDENT:** All right, you can move it by my special permission and the indulgence of the House.

**Mr. P. N. GUHA:** Many thanks, Sir. Surely I failed to catch you when you called out my name.

Mr. President, Sir, I beg to move that in clause 3 for sub-clauses (*1*), (*2*), (*3*) and (*4*) the following be substituted, namely:—

This particular amendment involves another principle. If you read the existing Act and the amending Bill, you will find that I am trying to eliminate the clauses containing the qualifications necessary to become a voter in a union. This I am trying to do for the purpose of introducing the principle of adult franchise, which has been advocated by the Indian politicians at all times and which had been the watchword of the Liberal Party of which the Hon'ble Minister was and perhaps is even now a member. My object is to make every major person living in a union a voter. The adult franchise is the principle which is being advocated in all civilised countries and in India it must begin somewhere. Those who have carefully read the Nehru Report on the Indian Constitution as well as similar other documents prepared by the politically-minded Indians, will bear out that all Indian politicians, irrespective of the parties they belong to, have for a number of years been urging the British Parliament to give franchise to every adult Indian. I consider, Sir, that this is the fittest opportunity and an excellent occasion to make a beginning.

**Maulvi SYED MAJID BAKSH:** But you want an educated body of men to exercise adult franchise.

**Mr. P. N. GUHA:** No, I do not want that. I want to begin it with the union board which is the smallest self-governing unit in Bengal. The principle can thereafter be extended to the local boards and district boards and finally to the Legislative Council and Legislative Assembly. My friends Maulvi Syed Majid Baksh and Abul Kasem were nervous over my proposal of giving franchise to the women, and they must have been relieved in seeing my motion on that behalf rejected by the House, but my present motion, if accepted, will not violate the so-called sanctity of the *purdah* and will yet enable every man who is 22 years old and who either resides in or visits his village house occasionally to participate in the election of the union board. Sir, I am fighting over a broad fundamental principle without taking any notice of the loss or gain of this or that community, and I think that a united and strong Indian nation will never come into existence unless every adult is imbued with the idea that he has a voice in the welfare of his country. Sir, I have already said that a beginning

must be made somewhere, and I consider this is the proper time and place to do so. Let us make a start and thereby prove to the outer world that we attach great importance to the principle of adult franchise and so we have introduced it in our local bodies. That will at once make us fit to demand the introduction of this principle in the election of our legislative bodies. With what face the Indian politicians of the Congress, Liberal League, Moslem League and similar other bodies will hereafter indulge in the tall talk of adult franchise if we fight shy of it now? Sir, a careful examination of the provisions of this Bill will show that the qualification of a voter of the union board election is almost at par with the qualification of a voter of the Legislative Council. This in itself is ridiculous. Anyway, Sir, I am a great believer in the principle of adult franchise and I believe I am echoing to-day the opinion of every thoughtful politician of the country. I therefore press my amendment for the acceptance of the House.

(The Council at this stage was adjourned for 15 minutes.)

(After Adjournment.)

**Maulvi TAMIZUDDIN KHAN:** Sir, I am sorry that Mr. Guha, the mover of this amendment, is not here. I give my wholehearted support to his speech, but, Sir, I have to oppose the amendment as it stands, because it will be seen that there are four clauses to sub-clause (*1*) of section 7, and these four clauses define four different bases of franchise. The first clause gives the franchise to persons who pay a certain amount of cess under the Cess Act; the second clause gives the franchise on the qualification of the payment of a union rate; the third clause relates to persons of joint families; and the fourth clause gives the franchise on account of certain educational qualifications. Now, what my friend, the mover of the amendment, wants to do is to delete clauses (*i*), (*ii*) and (*iii*); this is the amendment on the agenda paper. There appears to be a misconception, and it must be cleared up first of all.

**Dr. NARESH CHANDRA SEN GUPTA:** The amendment reads that in clause 3 for sub-clauses (*1*), (*2*), (*3*) and (*4*) the following shall be substituted——

**Mr. PRESIDENT:** I might inform the House at this stage that Mr. P. N. Guha approached me in my Chamber and asked me whether the amendment as vetted by the Council Department reproduces his ideas on the subject. I think it does.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, might I inquire whether it is a mistake on the part of the Legislative Department or of the Council Department?

**Mr. PRESIDENT:** Mr. Guha, the mover of the amendment, says that it is a mistake on the part of the Council Department. So far as I can understand from Mr. Guha's speech, he means that sub-clause (*iv*) is not a part of the Act; it is in the Bill. The amendment which he has moved does not relate to the Act, and naturally he feels that it omits sub-clauses (*i*), (*ii*) and (*iii*), and not (*iv*). But he is mistaken.

**Mr. P. N. GUHA:** Sir, the position will be that if this amendment be accepted by the Council, sub-clauses (*i*), (*ii*) and (*iii*) will be omitted, and only sub-clause (*iv*) will remain; as a result of which only graduates and others will be eligible to vote without any qualification, and the object of the franchise will be defeated

**Mr. PRESIDENT:** (*iv*) is not in existence.

**Mr. A. deC. WILLIAMS:** Sir, the hon'ble member's amendment as tabled by the Council Department is perfectly all right. The mover proposes that, in clause 3, for sub-clauses (*1*), (*2*), (*3*) and (*4*) something should be substituted. That is to say, sub-clause (*4*) will disappear from the Bill. But, Sir, if you look at that sub-clause, you will find that it is that sub-clause which proposes to insert a new clause (*iv*) in section 7 of the present Act. Proposed clause (*iv*) of section 3 of the Act will, therefore, not come into existence; at the same time, by clause 3 of the Bill as now proposed to be amended, clauses (*i*), (*ii*) and (*iii*) of section 3 of the Act will disappear, so the amendment which has been moved is perfectly correct.

**Mr. P. N. GUHA:** What about sub-clause (*4*)?

**Mr. A. deC. WILLIAMS:** It does not exist. The mover in his amendment has suggested that for sub-clauses (*1*), (*2*), (*3*) and (*4*) something should be substituted. What is proposed to be substituted is not equivalent to sub-clause (*4*) and, therefore, sub-clause (*4*) will cease to exist in the Bill. In that case clause (*iv*) will not be inserted in section 7 of the Act.

**Mr. PRESIDENT:** I quite agree with you.

**Maulvi TAMIZUDDIN KHAN:** Sir, a good deal of misconception has been cleared up.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, there is one difficulty. Might I point out that if the amendment is accepted, then sub-clause (*4*) will go out?

**Mr. PRESIDENT:** It goes out automatically. It is, perhaps, more correct to say that it is not in existence.

**Maulvi SYED MAJID BAKSH:** Do I understand, Sir, that clause (*iv*) of the original section stands?

**Mr. PRESIDENT:** No.

**Mr. A. deC. WILLIAMS:** Sir, I can assure the House that the amendment is perfectly in order.

**Maulvi TAMIZUDDIN KHAN:** Sir, I now find that there is no difficulty. It was a matter of interpretation, and you have given your ruling on that. The acceptance of this amendment will mean that all the clauses go out. In that view of the matter there is no further misconception.

Now, Sir, as I have already said, so far as the amendment is concerned, I give my wholehearted support to it. I think there is an insistent demand in the country that there should be universal adult franchise not only for the legislature, but also for the local bodies. As far as the legislature are concerned, the authorities have not thought it fit to accept the popular demand because they think that it is not possible, under present circumstances, to make proper arrangements for recording the votes of so many persons. That is the only objection that has been raised from the official side; but, so far as the union boards are concerned, I think the difficulties will not be insurmountable. Of course, there will be a large number of voters; but the number will not be so great as to make it impossible for the authorities to make proper arrangements for recording the votes of the electors. Already, Sir, even without universal adult suffrage, all persons who pay a union rate of six annas are proposed to be enfranchised, and their number will be very large. Can we not go a step further and enfranchise all the male adults? In that case, I do not think there will be too large an increase. The number will not be anything like double. I think at the most liberal estimate there will not be an increase of more than 50 per cent. Therefore, I think Government cannot raise any objection on the ground that it will not be possible to make proper arrangements for polling. In that view, I do not think that anyone should oppose this reasonable amendment which has been tabled by Mr. Guha. If we have to introduce adult franchise in the long run, it is only just and proper that we should commence at the lowest rung of the ladder, and the union boards

provide that lowest rung. If the experiment fails, I think it will mean no serious disaster. We shall have gained experience and we shall be able to build our future proposals upon that experience. I think it will be very proper to begin at the union boards, and that without delay.

**Maulvi SYED MAJID BAKSH:** What becomes of the proviso?

**Mr. PRESIDENT:** It is a simple thing. In clause 3 you want to add something, but if (*i*), (*ii*) and (*iii*) go, the other one (*iv*) automatically goes, the proviso also goes.

**Maulvi SYED MAJID BAKSH:** Should there not be any proviso?

**Mr. PRESIDENT:** No, that will go. You will have to move a consequential amendment. The proviso will be wiped out by the consequential amendment. I do not see any difficulty myself.

**Mr. A. deC. WILLIAMS:** I think, Sir, we should see whether the amendment is carried before any consequential amendment is proposed. This will be the business of the draftsman to undertake any new amendment.

**Mr. PRESIDENT:** If the amendment is carried, consequential amendments may be necessary. It is not necessary to think of it at this stage.

**Maulvi ABUL KASEM:** I rise to support this amendment of Mr. Guha's. I think he has made a very good case for the grant of adult franchise. Union boards are the lowest rung of the ladder in local self-government, but I support it on another ground. Union board serves a rural area—very small; it has to look to the interests of the residents of that area, and as such, every man who lives in that area should have a right to chose his executive or his member to carry out this work of local self-government. Sir, more than 15 years, I think 20 years ago, when this Bill was passed by the Bengal Legislative Council, the then President of the Council, the Right Hon'ble the Marquess of Zetland, declared that he was laying the foundation stone of self-government and responsible Government in this country, but that foundation would be stronger if we gave adults the franchise. My friend, Maulvi Tamizuddin, has said, that in the case of municipalities, Councils or district boards there may be some difficulty in regard to votes, and says there will be no difficulty so far as union boards are concerned. I say whether the executive has to face difficulty or trouble or not, it does not matter. For the proper-

administration of the union boards it will be absolutely necessary that every member should be responsible and answerable to every man living in that area. Therefore, I support the amendment wholeheartedly.

**Mr. SHANTI SHEKHARESWAR RAY:** I rise to support the amendment. Perhaps it is too much to expect of the Government of Bengal to adopt a formal policy. The Government of Bengal in recent times have earned a great reputation, a reputation of following the policy of blunder and bluster. Sir, to expect such a Government to take a correct view of things is too much. Sir, if the Government want to follow a consistent policy, I submit that they have no other way but to accept this very reasonable proposal. We are told that the local boards, the union boards, the district boards, and municipalities are going to be training grounds for future administrators of this country. If that is so, we should hasten to introduce adult franchise in respect of these bodies, before we adopt such a franchise for the legislature, provincial or central The demand for adult franchise in respect of this legislature has been insistent and unanimous. The demand has been backed by the Indian National Congress as well as other progressive institutions in the country. I need not dilate on the justice of the claim, but I only ask the Government to take a reasonable view, and not to be frightened because it is a new departure.

**Dr. NARESH CHANDRA SEN GUPTA:** I wholeheartedly support the motion of Mr. Guha. The proposal for adult franchise has been before the country for a long time. Many reasons have been advanced against its adoption in connection with the election of the legislatures and in connection with other elections. None of these reasons are of any value in respect of the union board election. It has been suggested, for instance, but I do not see exactly on what principle, that a man who pays annas 6 as union rate and the man who does not pay can be distinguished. How is the daily labourer who does not pay annas 6 in any way in an inferior position to exercise the vote to the householder who pays annas 6 as rate? Is he less qualified, less educated, less inspired by the civic spirit or in any other way? Is the man who pays annas 6 more educated, more inspired by the civic sense or any other factor at all? Those who know villages know that there is no distinction between these two persons and they ought to have an equal right to have their say in matters relating to union boards, in matters relating to village roads, village sanitation and other amenities of the village in which both are vitally interested. How is the man who pays annas 6 in any way more interested in these matters than the man who pays no rate, but lives in the village, suffers by its fevers and benefits by improvements? What is the

principle? The old theory of a stake is not much talked about now. The only principle upon which it has been effectively maintained is the one of convenience—convenience of managing elections. In the case of local board, district board and Council elections it is possible to say that adult franchise will make the running of elections a very difficult task—an impossible task. At any rate that argument has been made. But what difficulty can there be in managing elections of a union board by simply enlarging the number of voters by removing the 6-annas qualification. Looking to some of the villages I know of I do not imagine that the removal of 6-annas qualification would bring in a very large number of voters on the rolls. On the contrary a very few persons would be left out Why should they not come in? They will cause no appreciable inconvenience to the election and they are as much interested in the matter as the others. I fail to see any ground of principle for excluding these persons who do not pay annas 6 as rates. If it means that the man who pays the rate has got the right to regulate the affairs of the union board because he pays for it on the principle that those who pay the piper can call for the tune, if that were so, the man who pays higher rates ought to have a larger number of votes, though you do not recognise that. On the contrary, looking at the benefits to be given by the union board, all share equally in these benefits, namely, roads, drains and water-supply. I do not think there is any ground of principle for excluding the non-tax-paying adult and there is neither any argument for excluding them. In the case of females it has been suggested, most irrelevantly if I may say so, that they are not sufficiently educated in the villages. So far as villages are concerned would it be very impertinent to ask how many of the 6-anna ratepayers are sufficiently educated and are sufficiently advanced? Any how the 6-anna ratepayer is not more educated and more advanced than the man who does not pay the 6-anna rate. I submit that there is no argument at all against the acceptance of this amendment and every argument in favour of it. The man who lives in the village is interested in it as much as the man who pays the rate, and it is to his interest as well as to the interest of everybody else and it is not only ratepayers but also every villager who is well cared for so far as the resources of the union board permit. For these reasons I support the amendment.

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I support the proposal and I am really thankful to Mr. Guha for bringing forward this amendment, and I hope Government will kindly accept it. Adult franchise is the essence of popular representation. It is by the exercise of the adult franchise that the right type of men can be elected. We know something of village life. There at present the *zemindars*, the *panchayets*, the *mandals*—all scheming fellows—anyhow secure to be

on the boards and take advantage in various ways of the ignorance of the people. But if the right sort of people are elected, much improvement can be expected and the reconstruction of the villages will become an easy affair. For these reasons, I wholeheartedly support the amendment.

**Mr. NARENDRA KUMAR BASU:** Sir, I confess I rise to speak on this amendment with considerable diffidence. As far as my information goes, the restrictive qualifications given in the Bill which are a considerable advancement on the qualifications as they are in the Act at present, will raise, I understand, the franchise to somewhere about 20 per cent. of the village adult population. I do not know if the Hon'ble Minister is in a position to say what exactly would be the percentage of voters of the adult population in the villages. I thought it was somewhere about 17 to 20 per cent. If that be so, Sir, may I with your leave put a question to the Hon'ble Minister as to what proportion of the village population will be enfranchised by the qualifications mentioned in the Bill as it has come from the Select Committee?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** It is very difficult to say that. But certainly that is going to be the qualification of the future legislatures and it is anticipated that about 15 per cent. of the total adult population would be enfranchised; it may be a little less than that. There are other qualifications, so it may be 13 or 14 per cent.

**Mr. NARENDRA KUMAR BASU:** May I put another question, Sir? Does it mean 17 per cent. of the total adult population or 17 per cent. of the total adult male population, according to Lord Lothian Committee's report?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** It is about 34 per cent. of the total adult male population.

**Mr. NARENDRA KUMAR BASU:** I submit, Sir, that that takes away a great deal of the force of the argument of my friend Dr. Sen Gupta that the substitution of adult franchise will not make it too unwieldy. I submit, Sir, that to increase it three times would at the present time make it too unwieldy. I think that adult franchise is the goal everybody ought to look forward to, but it ought to be realised by progressive stages, and I would therefore vote against the amendment.

**Maulvi ABUL QUASEM:** Sir, I rise to oppose the amendment moved by my friend Mr. P. N. Guha. It is a matter of surprise to me that if there was such a strong volume of opinion in favour of adult franchise being granted to village union boards, no other member

should have thought of giving notice of such an amendment except Mr. Guha. I do not mean any offence to Mr. Guha, but if there was really such a strong feeling about adult franchise, more members should have come forward with such an amendment than has been actually the case. I agree with Mr. N. K. Basu that if adult franchise is given, the electorate will be far too unwieldy to manage in village elections. As matters stand, Sir, not even half the people who are enfranchised under the present voting qualifications do actually come to the polling booths. When there is a keen competition, the candidates know how hard it is to bring out men to the polling booths. It would not only make things difficult for the prospective candidates but to the electors as well. As matters stand, we should stop at what Government has proposed and should not go beyond that

**Babu KHETTER MOHAN RAY:** Sir, I oppose the amendment of Mr. P. N. Guha. Adult franchise is a large question. Only the other day when two most important Bills relating to local bodies were passed, nobody raised the question of adult franchise Now, Sir, by this amendment to the Village Self-Government Bill, it is proposed to reduce the rate from 8 annas to 6 annas. Considering the present state of our country, Sir, it is useless to enfranchise a large number of people who cannot intelligently vote. Therefore I oppose this amendment There is another principle, that in the district boards and municipal elections, those persons are eligible to vote who pay the rates and taxes, and in this particular case, the franchise is based upon the payment of rates and taxes and not upon the individual persons who live within the area. On these grounds, I oppose this amendment of Mr. P. N. Guha.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I am afraid I have to oppose this amendment. If this amendment is accepted, it will introduce altogether a new principle in the Act In fact, the basis of franchise in the Act is the payment of union rates or payment of cesses. It has been considerably lowered in the Bill From 1 rupee payment of rates or 1 rupee payment of cess, it has been brought down to 6 annas and 8 annas respectively. So, that will increase the electorate to a great extent. Adult franchise, as advocated by Mr P N Guha and his supporters in this House, Sir, has not yet been accepted anywhere in Bengal. (A VOICE: It is the last thing.) It may be the last thing, but I would rather be reluctant to begin the experiment in the villages. Probably it will be much better to begin the experiment in higher spheres where the electorate is more educated and has a greater sense of responsibility. On these grounds, I see no reason why we should risk the union boards first. The union boards are doing very useful work, and I would be very reluctant to risk its usefulness by accepting this amendment.

As pointed out by Mr. Narendra Kumar Basu, 34 per cent. of the male adult population would be enfranchised on the qualification that is now being suggested by Government in their Bill. If the electorate is further increased or if the principle of adult franchise is accepted, it will make the electorate absolutely unwieldy.

On these grounds I oppose the amendment.

Mr. P. N. Guha's motion being put, a division was taken with the following result:—

**AYES.**

Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abul Ghani.
Chowdhury, Maulvi Nural Abar.
Ezaulji, Maulvi Nur Nahman Khan.
Fazlullah, Maulvi Muhammad.
Guha, Mr. P. N.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Mazzam Ali.
Khan, Maulvi Abi Andalla
Khan, Mr. Hashem Ali.
Khan, Maulvi Yamizuddin.
Rahman, Maulvi Azizur.
Ray, Mr. Shauti Bhushanswar.
Rout, Babu Hosani.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Suhrawardy, Mr. H. S.

**NOES.**

Afzal, Nawabzada Khwaja Mohammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emadeddin.
Armstrong, Mr. W. L.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Benjamin, Mr. H. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Sahibur Maulvi Nuzzar Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Cohen, Mr. D. J.
Cooper, Mr. C. S.
Das, Babu Gurupresad.
Dutt, Mr. S. S.
Faroqui, the Hon'ble Nawab K. S. M., Khan Bahadur.
Gilchrist, Mr. N. R.
Gladding, Mr. D.
Guha, Babu Profulla Kumar.
Guthrie, Mr. F. C.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hedge, Mr. J. D. V.
Haman, Mr. P. T.
Hossain, Nawab Musharrut, Khan Bahadur.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Lesson, Mr. G. W.
Lockhart, Mr. A. R. E.
Maitl, Mr. R.
Martin, Mr. D. M.
McMuckin, Mr. E. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nag, Babu Suh Lal.
Nandy, Maharaja Eris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Quasem, Maulvi Abul.
Raheem, Mr. A.
Rai, Mohanal, Ramchandra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Reid, the Hon'ble Mr. R. N.
Ray, the Hon'ble Sir Bijay Prasad Singh.
Ray, Babu Haribansa.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Ram Chandra.
Saadatullah, Maulvi Muhammad.
Sahana, Rai Bahadur Satya Rinkar.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. B. R.
Sen, Rai Bahadur Eris Chandra.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. H. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

The Ayes being 25 and Noes 69, the motion was lost.

**Mr. P. N. GUHA:** Sir, I beg to move that in clause 3 for sub-clauses (*1*), (*2*), (*3*) and (*4*) the following be substituted, namely:—

"(*1*) in clauses (*i*), (*ii*) and (*iii*) of sub-section (*1*) the words 'of not less than one rupee' shall be omitted."

I do not think, Sir, any useful purpose will be served by my moving this amendment but still I do so, as a matter of course, for the sake of vindicating another principle. If you turn to the existing sub-clauses you will see that the following words occur in each of them, viz., "who has paid a sum of not less than 1 rupee." I want to take away that 1 rupee. Having been defeated in my amendment with regard to adult franchise, I still want to enlarge the franchise and my object is to enfranchise anyone who pays a sum to the union board whatever that sum may be, annas 6, annas 2, anna 1 or anything. Some people are whispering that annas 6 is the lowest sum to be paid, but then why mention that? Do not mention anything at all. Anybody paying any sum to the union board as rate should be qualified to vote and that is what I want to advocate. Seeing the fate of my adult franchise amendment I do not hope that this amendment is going to be accepted, but still I submit my views.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I support this amendment also. Those who opposed adult franchise may all the same support this or at any rate may agree in giving the vote to a person who pays a tax—whether a cess or a union rate. So far as the union rate is concerned, this amendment does not make any improvement on the proposed Bill because annas 6 is the present minimum rate that can be levied by the union boards and that is the limit which is being fixed by this amending Bill. But so far as the cess is concerned it might make a difference. Therefore, the payment of any amount of tax should on the principle of "no taxation, no representation" give a man the right to vote. We have been told in connection with a previous motion that adult franchise or female franchise would make the electorate unwieldy, but with regard to that we have hardly been given any material to proceed upon. The Hon'ble Minister threw out a guess that the amendment might raise the present electorate of 17 per cent. of the total population and at once the conclusion was jumped at that it would be about 34 per cent. of the total adult male population, but that is not a proportion which is borne out by the census figures. It may be concluded that 100 per cent. will be too much, but if that is so, there is no material whatsoever upon which we can say to what extent the electorate will be enlarged by this amendment, because the number of persons who pay road cess or union rate may not very large. Those who pay anything as union rate are already included in the amendment. Those who pay anything as cess will not, I believe, be

very large in number. I do not know that very many people pay less than annas 8 as road and public works cesses. There are some, but not many. Many of those persons again will be qualified under the annas 6 union rate; therefore there is no question of enlarging the electorate very much. It will be found in practice perhaps that it makes very little difference. On the other hand, the amendment will take its place in the Bill as a recognition of the principle of representation going hand in hand with taxation.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I have to oppose this amendment too. Annas 6 is the minimum union rate provided for in this Bill Annas 6 is the minimum rate; nobody can pay less than that because any one not able to pay annas 6 will be altogether exempt; so if a man is going to be qualified for vote certainly annas 6 is low enough. I do not know what is there in the expression "any sum." As regards cess Dr. Sen Gupta himself admitted that probably there are not many people who pay less than annas 8; so annas 8 is low enough. But there is another argument, namely, that there must be some comparison between a man paying annas 6 and a man paying annas 8. If you make it any sum as cess and leave the annas 6 union rate, there will be a considerable difference. On this ground I oppose the amendment. In fact, the practical result of the Government's Amending Bill would be to enfranchise anybody who is somebody in a village.

The motion was then put and lost.

**Kazi EMDADUL HOQUE:** Sir, I beg to move that in clause 3 (5) (b), in line 2, for the words "than six annas" the words "has paid six annas or more" be substituted

In practical application there is hardly any difference between the Bill clause and my amendment, but the acceptance of my amendment will not be in conflict with any provision of the Act, while the Bill clause will surely do that because if the Bill clause is accepted, it will mean the exclusion of some persons on the ground of paymenth of cess or rate or tax, and it will stand thus: "Who is a member and has paid a sum of not less than annas 6 as rate or tax."

The expression "has paid a sum of not less than annas 6 as rate" will mean that it will give rise to the supposition that there are persons who might pay less than annas 6 as rate or tax but that will be in direct conflict with section 38 (2): so if my amendment is accepted, there will be no such anomaly. So I hope the Hon'ble Minister will accept my amendment.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I rise to oppose this amendment; it is wholly unnecessary. The Bill clause is explicit enough already, and I do not think the amendment will make it more explicit.

The motion was put and lost.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I beg to move the amendment which stands in my name, viz., that for clause 3 (*5*) the following be substituted, namely:—

"(*5*) for the explanation at the end of sub-section (*2*) the following explanation shall be substituted, namely:—

*Explanation.*—A person shall be deemed to be 'resident' within a union within the meaning of sub-section (*2*) if he has within the limits of such union a place of residence which he visits from time to time or in which he ordinarily resides for not less than three months a year. No person may be so resident within the limits of more than one union at the same time."

Sir, the genesis of this amendment is well known to the members of this House. The underlying principle of the Act is that there should be some difference between the qualification of a voter and the qualification of a candidate for the union board. Without deviating from this principle and without giving any additional handicap to the able and educated persons who might be obliged to live away from their villages for some period in the year, Government have decided to move this amendment. The *Explanation* suggested here will remove the difficulties that have been brought into existence by the recent ruling of the High Court on this point. In spite of the difference that existed between the qualification of a candidate and the qualifications of a voter for all practical purposes till the High Court ruling, this difference was ignored and up till now I have not known of any complaint about members of union boards not attending to their duties being absentees. But as the principle is there, viz., that there should be some difference between the qualification of a voter and the qualifications of a candidate, the Select Committee very carefully considered this clause and suggested an amendment on the lines of the Government amendment, which incorporates the principle of the amendment suggested by the Select Committee—the only difference being that it makes certain verbal amendments for the sake of drafting. The amendment which I propose will give adequate facilities to educated people living away from the villages for some part of the year but, being in touch with the villages, if they want to serve as members of the union boards. It will be very undesirable and unfortunate if these people are debarred from serving on the union boards. That, Sir, is not the object of the Act, and with this object in view Government have moved this amendment and I hope it will be unanimously approved.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Sir, I beg to support this amendment, which is a very reasonable one. In fact, we are all agreed that sufficient opportunity should be given to such persons as are willing to serve on the union boards and at the same time have got to live away from their villages on account of business. The amendment proposed by the Hon'ble Minister seems to be an improvement on that proposed by the Select Committee and will at the same time keep up the spirit of the report of the Select Committee. I, therefore, support this amendment.

**Maulvi ABUL KASEM:** Sir, I rise to say that the original idea when these union boards were started was to give the rural population not only the privilege, the rights, and the responsibilities of governing their own domestic affairs, but also to educate them. It was never contemplated that these organizations should be utilized by persons who do not have much interest in the rural areas or the union boards. Sir, I am glad that in this case, at any rate, the Government Department and the Secretariat have supplied the Hon'ble Minister with certain previous history which is not generally done in these matters. The Hon'ble Minister has been pleased to observe that there were two distinctions between a voter and a man qualified to be a member of a union board. I might add to that, for the information of the House, that in the original Bill that was introduced in this Council in the year 1919, Sir Henry Wheeler quoted as a qualification that a person should not only pay the rates but that he should ordinarily be resident in the union board area. But, Sir, it was we who proposed that a man who was not ordinarily a resident of a union board area should have the right to choose his own representative, and on this point, Sir, two different kinds of definition were given—one for the qualification of the member of a union board, and the other for a voter. Sir, I think the Hon'ble Minister's amendment is a great improvement on that, inasmuch as either a man should have a place of residence in the village and visit it from time to time or reside there for at least three months. But what I submit is this: "Do the Government think it desirable that pleaders, *mukhtears*, and men who live in towns, and occasionally go to the villages from time to time—for instance, during the *Durga* and *Lakshmi Pujahs*, or sometimes for their children's marriages or for attending to other domestic affairs—should be qualified to be members of union boards. It is the lowest self-governing body, and the responsibility should be left entirely to the people who live in the villages and who have got to enjoy all the advantages and suffer all the disadvantages of a rural life. People living in towns do not care much about village life, but want to be presidents of union boards in order to exercise the power vested in the presidents. They live in municipal areas and towns.

No doubt Government have very carefully drafted this amendment inasmuch as they propose that no person shall be a member of two

different union boards; but they are quite silent about persons being residents of municipal areas and union boards at the same time. What I mean, Sir, is that pleaders, *mukhtears*, and traders, living in towns will get the vote. Sir, my friend Mr. J. N. Basu, has got his home in the Hooghly district, which he never visits. If you want to give the responsibility entirely to village people, let them have it by all means. Why do you care, if there are certain safeguards introduced in the new India Bill, which is being discussed several thousand miles away? Why do you say that you are competent enough to work the Constitution without these proposed safeguards? What I submit, Sir, is that if you are competent enough to manage your own affairs, the village people are equally competent to take over the responsibilities incidental to the administration of the union boards.

Sir, much has been said about educational qualifications. But from my own personal experience I can say—and say without fear of contradiction—that our cultivators and our village folk—men who live in the villages—are dowered with strong common-sense, although they are not turned out by the College Square factories, and that they understand more about the areas in which they live than many men who have got several adjectives added to their names. I, therefore, submit that membership of union boards should be confined to persons who are ordinarily resident in the villages and not to those who visit them from time to time say, once or twice a year. Therefore, I do not think it advisable to give the franchise to the latter class of persons. With this reservation I support the amendment.

**Mr. NARENDRA KUMAR BASU:** Mr. President, Sir, I do not profess to know what the last speaker meant. He said that he wanted to make it impossible—to cite has own example—that Babu Jatindra Nath Basu should be elected a member of the union board. Why should the electors of the village be debarred from the privilege of electing, if they so choose, a person of the calibre and intelligence of Mr. Basu as a member of a union board? My friend forgets that this is only an enabling section; it does not mean that all the members of union boards must be such persons only who have got a place of residence and who go there from time to time. I must say, speaking as a member of the Select Committee, that I think that the draft now put forward by the Hon'ble Minister is an improvement on the draft of the Select Committee and is more in accordance with the terms of the section itself, because the section itself (section 7) begins by saying that every male person of the full age of 21 years and having a place of residence within the union and so on. And in sub-clause (2) it is stated that every person who is entitled to vote at an election of members of the union board and is resident within the union shall be entitled to be a member of the union board, if duly elected thereto; that is to say a person who has a place of residence within the union and is resident within the union board shall be entitled to be a

member of the union board. The *Explanation*, as the Hon'ble Minister has pointed out, is proposed to be inserted in order to get over certain difficulties which have arisen out of the judgment of the High Court; and it wants to define "resident" in a proper sense. I, therefore, think that this amendment ought to be accepted, and that the mysterious reason for which Mr. Abul Kasem wants to approbate and reprobate in the same breath does not commend itself to me.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I am afraid that I am in the same category as Mr. Abul Kasem, because I find it very difficult either to oppose or to support this amendment. Opposition would mean throwing out the considered opinion of the Select Committee, so far as the drafting of this section is concerned. But I wish to draw the attention of the Hon'ble Minister to certain matters in this connection. Does he intend by this amendment to provide a remedy for the evil which has been created by the decision of the High Court—a remedy which goes far beyond its requirements? Now what does the "place of residence" to which he refers mean? A place of residence is a home, and there is no difficulty about it. Even a rented house in a village *is* a place of residence. But a *zemindar's cutchery* is also a place of residence for the *zemindar*, which he visits from time to time—say, for instance, once in six years. I have got a concrete case of a *zemindar* having a *cutchery* in a village, which he has visited once during the last six years and again two years before that. Would this *Explanation* bring him within the purview of this definition? Would not this amendment bring it within the clause? "A place of residence which he visits from time to time" may mean once in three years, six years or ten years. "From time to time' is a vague expression. In trying to amend the language of the Select Committee which makes it a fixed place of abode which he visits from time to time and makes it a place of residence, I am not sure whether the words make it too wide. The language of the Select Committee is bad enough because even then a *zemindar's cutchery* might be regarded as a fixed place of abode which might be visited from time to time. That is a difficulty and visiting from time to time is a very vague explanation to have in a qualification clause like this. For instance, I have a fixed place of abode in my village which I have not visited more than four years, but I visited it from time to time. Am I entitled to become a member of the union board of my own village? I think not. But this naturally leaves the thing so vague that it is almost impossible to qualify it. I do not definitely oppose the amendment; the other thing is as bad. When the mover was moving this amendment I asked the Hon'ble Minister whether he was not going too far.

**Maulvi ABUL KASEM:** I do not fix the time once or twice a year. What I really mean is that the person should be qualified who resides in the union and no one else. That is my idea of it.

**Mr. PRESIDENT:** Are you moving your amendment?

**Maulvi ABUL KASEM:** With your permission I beg to move the amendment standing in my name that in clause 3(5), in the proposed explanation, lines 5-8, for the words beginning with "which he visits" and ending with "in a year" the following be substituted, namely:—

"and ordinarily and generally resides in the union."

I may explain that this only would be a substitute and not a place of *zemindar's cutchery.*

**Maulvi TAMIZUDDIN KHAN:** I beg to move that in clause 3(5), in the proposed explanation in lines 8-10, the following be omittted, namely:—

"No person may be so resident within the limits of more than one union at the same time."

So far as this portion of the clause is concerned it was not in the original Bill proposed by the Hon'ble Minister. It was added by the Select Committee to the original clause. I do not see sufficient reason why such a restriction should be imposed. We have widened the franchise to a large extent. Now it is common knowledge that many persons have two or more places of residence in different union boards. They pay the taxes in all these union boards; they are not disqualified in any other way. What harm will there be if a man has the franchise in two or more union boards at one and the same time? It may be said that if he is elected in both union boards it would be difficult for him to execute his function as a member. I do not think that he will actually choose to be a member in more than one union board. On the other hand, if the option lies with him to chose from what union board he should stand nobody is harmed in any way. He will have his option to choose his own constituency. I do not see why this choice should be taken away from the person who has got the requisite qualification. When he pays tax in two or more union boards, why should he not be allowed to exercise his franchise in both these union boards? Again, if the clause as recommended by the Select Committee is carried, then a good deal of practical difficulty will arise; it will be decided by the union board authorities that a man has not to exercise his franchise from a particular union board. In that case some two or three union boards will have to hold a consultation amongst themselves as to the election of a particular member. For instance, I am a resident of union boards A, B and C; I pay all the requisite taxes in all these union boards. Will my name be struck off from the list of voters of any of these boards? If so, from

which union board? The choice therefore must be left to him who pays the tax. I think, therefore, that my amendment should be accepted.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I rise to oppose the amendment moved by Maulvi Abul Kasem. He wants to introduce the words "ordinarily and generally resides in the union." That is exactly the intention of the amendment which has been moved by me, *i.e.*, a person who is in touch with the village but who does not live in the village throughout the year should be qualified to serve on the union board. My point is this: We do not want to debar persons who take a real interest in the affairs of the village but who on account of their profession or for carrying on business are compelled to be away from villages for a portion of the year. Sir, it would be really a very bad day for village self-government if properly qualified persons who take interest in the village affairs are debarred and the affairs of the union boards are left only to uneducated persons—persons not really qualified to serve the union boards or to take intelligent interest in their affairs. The effect of the High Court ruling was to debar these persons. To remove the difficulties, Government introduce this amendment in the Bill, and the amendment which has just been moved by me, Sir, only incorporates the spirit of the amendment suggested by the Select Committee with certain verbal alterations. Mr. Abul Kasem's amendment goes really against the spirit of the amendment suggested by me, namely, that persons who are qualified but who are not habitually residents of the village, should be allowed to serve on the union boards. Its effect would be to disenfranchise persons whom we want to offer facilities to serve on union boards. That will be its sole consequence.

As regards Mr. Tamizuddin Khan's amendment, Sir, here also on the principle that a person should be allowed to serve on a union board if he really takes a genuine interest in its affairs. But if he has more than one residence, I would discourage him from serving two or more union boards. There is nothing to debar him from doing so if Maulvi Sahib's amendment is accepted. But that would be encouraging persons in meddling in the affairs of more than one union board in which he may not be really interested.

**Mr. PRESIDENT:** I should like to draw the attention of the House to the fact that if Maulvi Abul Kasem's amendment is accepted, Hon'ble Minister's amendment shall have to be modified, and the words "beginning with which" after the word "residence" and up to "a year" shall have to be replaced by the words suggested by Maulvi Abul Kasem.

Again, if Maulvi Tamizuddin Khan's amendment is accepted, I think the last two lines of the Hon'ble Minister's amendment will go. If this is correct, the House when voting for these two amendments should bear that in mind.

Maulvi Abul Kasem's motion was then put and lost.

Maulvi Tamizuddin Khan's motion was then put and lost.

The Hon'ble Sir Bijoy Prasad Singh Roy's motion was then put and agreed to.

The motion that clause 3, as amended by the Council, stand part of the Bill, was then put and agreed to.

*Clause 4.*

The motion that clause 4 stand part of the Bill was put and agreed to.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

*Clause 5.*

**Maulvi ABUL QUASEM:** Sir, I do not propose to move my amendment as Government is going to move an amendment which is almost identical to my motion.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I propose to move the following amendment:—

"I move that in clause 5, in the proviso to sub-clause (*b*), in the proposed section 10A, for the words 'District Magistrates,' the words 'Local Government' be substituted."

Sir, it will create an anomaly otherwise because the District Magistrate is being given the power to remove the disability due to moral turpitude. He will have to send up the case to the Local Government for the interpretation of the term "moral turpitude." In that case, Sir, it would be much better to have the words "Local Government" than the words "District Magistrates."

The motion was put and agreed to.

**Maulvi ABUL QUASEM:** Sir, I beg to move that in clause 5, in proposed section 10A (*b*), line 5, for the words "such offence as" the words "offence which" be substituted.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, Government are prepared to accept this amendment.

The motion was put and agreed to.

The motion that clause 5, as amended by the Council, stand part of the Bill was then put and agreed to.

*Clause 6.*

**Mr. NARENDRA KUMAR BASU:** Sir, I beg to move that clause 6 (*2*) be omitted.

Sir, my difficulty arises in the way that I have mentioned in my note of dissent. Supposing the old resident is not a member of the new board, what would happen? The new board has come into existence; it has met; but the meeting has been infructuous as they have not been able to elect a President. Therefore, in such circumstances, the clause says "provided the tenure of office of the former President of the union board shall continue." I submit, Sir, that would be hopelessly anomalous. The old President is not a member of the new board, the new board has started its work, but because they have not been able to elect a President, the old President continues to function. I submit, Sir, that is neither common-sense nor just. Either have the whole of the old board to function till the new board comes into existence or delete this clause altogether. I submit that the only logical alternative to having the new board to function is what has been put down in the next amendment by Maulvi Tamizuddin Khan, namely, that in clause 6(*2*) for the proposed proviso to section 11, the following be substituted, namely:—

"Provided that the term of office of the former President, Vice-President and members of the union board shall continue until a new President is elected or appointed under section 8."

Sir, merely to have the old President to function who may or may not be a member of the new board seems to be absolutely anomalous, and if I may be permitted to say so, ludicrous.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I am afraid I have got to oppose this amendment because we want to avoid an interregnum before the appointment of the executive of the union boards. (A

VOICE: "Just as in the case of the Calcutta Corporation?") Yes, exactly that. Even, if a new board does not elect its President at its first meeting, the new board will still be in existence, but it cannot carry on the work; at the same time the President of a retiring board may not be returned or may not be a member of the new board. In the interest of the union board, however, it is reasonable that he should be allowed to carry on the work till a new President is elected.

**Mr. NARENDRA KUMAR BASU:** To do as much mischief as possible because he is not elected!

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Such a provision has been made in the Bengal Municipal Act and we have simply followed the provisions of that Act because it wil be very unfortunate if the executive of the union board ceases to exist at any time. For instance, there may be some urgent work. Suppose an epidemic breaks out. Who is going to take steps, who is going to report the matter to the proper authorities? Maulvi Tamizuddin Khan's amendment, which is the next amendment, may I speak on that too, Sir?

**Mr. PRESIDENT:** I do not think you can, because it may not be moved at all. If it is moved you will have an opportunity of speaking on it.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** All right, Sir. But anticipating Maulvi Tamizuddin Khan's amendment I may say that if the old board is allowed to continue there will be two sets of persons claiming authority over the affairs of the union board, namely, the retiring board and the new board, which has just been constituted but has not yet elected its President. A new board is really constituted when the names of the persons elected and the names of the persons appointed to the board are gazetted. So there will be, as I have already pointed out, difficulty if we allow two sets of persons to have authority over the affairs of one union board. We cannot say that the members of the new board have not been properly elected or appointed. The board is constituted no doubt, but it may be that the President has not been elected for certain reasons. Therefore, the most practical way of solving this difficulty would be to allow the President of the retiring board to continue in office for the time being till the new board elects its own President.

**Dr. NARESH CHANDRA SEN GUPTA:** Mr. President, Sir, may I ask a question in order to get an answer to a difficulty I am feeling on this point? Does not the amendment mean that the President will necessarily be a member of the union board, although he may not have been either elected or nominated? What this amendment says is that the tenure of the post shall continue. But suppose the old President is not a member of the new board. Then perhaps so far as the executive functions go, he will be able to exercise those functions, but with regard to the meetings of the union board would it be consistent with the rest of the Act to say that he will be able to attend them and preside over the meetings of the union board?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** The new Bengal Municipal Act and the Local Self-Government Act provide that the retiring members of a municipality or of a district board may go out of office, but the Chairman of the municipality or the district board does not actually vacate till a new President is elected or appointed. Following that principle we want to insert this provision.

Mr. Narendra Kumar Basu's notice being put, a division was called for.

**Mr. NARENDRA KUMAR BASU:** On reconsideration, Sir, I want to call off the division.

**Mr. PRESIDENT:** You can avoid it when I put the question again before asking the House to divide.

When the House had assembled for division, the question was again put and lost.

**Maulvi TAMIZUDDIN KHAN:** Sir, I beg to move that in clause 6(2) for the proposed proviso to section 11, the following be substituted, namely:—

"Provided that the term of office of the former President, Vice-President and members of the union board shall continue until a new President is elected or appointed under section 8."

Sir, in tabling this amendment I have only made an attempt to obviate the anomaly that has been created by the amendment proposed

by the Hon'ble Minister. As has already been pointedly shown by Mr. N. K. Basu, under the amended Act (if the amending Bill is carried), the position will be this, that a man who is no longer a member of the union board will continue as its President. Sir, that is an anomaly which, I think, is altogether unacceptable. On the other hand the objection which may be raised against my amendment has already been indicated by the Hon'ble Minister. He says: That if my amendment is carried there will be two bodies exercising the same functions over the area of a particular union board, namely, the old union board as well as the new union board." I beg to submit, Sir, that that is not a tenable argument at all because unless and until the new President is elected, the new union board is not legally or properly constituted. We cannot think of a union board without its President. Therefore a union board or rather the members of a union board cannot exercise any function whatsoever unless and until the President is either elected or appointed by the district board under section 8. Therefore, the new union board will necessarily be *functus officio* unless and until a new President is elected. Therefore, I do not see any harm if my amendment is accepted. There is no point in saying that two bodies will exercise the same function, within the same area. The new board will be debarred from exercising any function whatsoever unless a President is elected or appointed. I, therefore, think that my amendment should be accepted.

**Dr. NARESH CHANDRA SEN GUPTA:** I find that if the amendment proposed by the Select Committee is retained, we shall have two conflicting provisions in the Act which it will be difficult to reconcile with one another. Section 8 of the Village Self-Government Act provides that "every union board shall be presided over by a President who shall be elected by the members of the union board from among their own number." The union board elects a President from their own number and that gentleman presides over that union board. Section 11 as amended says that the tenure of office of a member of a union board shall be three years from the date on which the District Magistrate shall declare the board to be duly constituted but shall include any period which may lapse between the expiration of the said three years and the date of the first meeting at which a quorum is present of the newly elected and appointed members after the general election for the union board: Provided that the term of office of the former President, Vice-President and members of the union board shall continue until a new President is elected or appointed under section 8.

Let us suppose that the former President of a union board has neither been elected nor appointed. Then, his office continues. But what office? The office of the President of the union board? But under section 8 the office of the President of a union

board can only be held by a person elected by the members from among their own number and sub-section (2) provides that if they fail to elect any President within the due time the district board shall appoint a member of the union board to be the President. The difficulty which the Hon'ble Minister was apprehending does not really exist in the case of union boards. In the case of the Calcutta Corporation if there is a failure in the election of the Mayor, there is no provision by which a Mayor can be appointed, but section 8 provides for the remedy if the union board fails to elect a President from among their own number within the time prescribed by rules under section 101. There will be no vacancy, no interrugnum but the district board will forthwith appoint one of the members of the union board to be its President. Therefore, that difficulty need not arise here. The rules may fix a very short period after the elections within which a President must be elected and then if that is not done, the district board must appoint someone; so there is no difficulty about it. But if this clause is insisted on, the result would be an absolutely anomalous position: the President cannot preside over the meetings of the union board because he is not a member of the union board. But still he has functions as President, that is to say, he may perhaps exercise some of the functions for the purpose of other sections of the Act, but he cannot preside over the meeting of the union board. There would be a clear conflict between two clear provisions of the Act. On the contrary, Mr. Tamizuddin Khan's amendment, if carried, provides that the former President, Vice-President and members of the union board shall continue until a new President is elected; that is to say, the old union board continues to function until the new union board has elected its President or a President is appointed by the district board. Until then the new union board remains in a state of suspended animation. The mere fact that the new board has been elected does not entitle it to function if this amendment is carried. The union board which will function will be the old board. There will be no difficulty. A short time will be allowed within which a new President will be elected, and if the election fails the district board will appoint a President under section 8. Therefore, Sir, it is a perfectly practical proposition. If a new union board at its first meeting fails to elect a President, the old union board will continue to function. The first meeting of the new board will be held only for the purpose of election. On the other hand, if you thrust a President upon a board over which he cannot preside, the result will be a frightful anomaly. It is quite possible to suggest other alternatives. It might have been provided for instance that the executive work shall be carried on by the old President; but the President cannot function as such so long as the section is not amended. Having regard to this view, I think the only practical proposition, unless the Hon'ble Minister is thinking of some other alternative is the suggestion of Mr. Tamizuddin Khan.

**Khan Bahadur Maulvi EMADUDDIN AHMED:** Sir, my friends opposite have not taken into consideration the fact that when a new union board comes into existence and when the new members have been called in, the old members cease to exist and then a case may arise that a President has not been elected. In such a case a provision has been made that the old President will continue. Dr. Sen Gupta is quite right in saying that the work will continue, *i.e.*, the executive work will continue to be done. That, Sir, is contemplated by this section and I think it is right.

**Mr. NARENDRA KUMAR BASU:** Sir, I think it is a right amendment to make. I am convinced that the last amendment of mine which the House negatived has been wisely negatived, because if there is no provision at all, then probably there might be cases of anomaly, as has been pointed out by the Hon'ble Minister. But with the section as it has been drafted or as it has emerged from the Select Committee there is a good deal of trouble. The President of a union board does some executive work not as A, B, C, or D, but as the President of a union board. It does not matter whether an epidemic breaks out between the time that the old board ceases to exist and the new board begins to function. The old President, who is not probably a member of the new board, will have no executive function if he is not the President or a member of the new board. I do not see what difficulty there will be if this amendment is accepted. The old board continues only till the new President is elected or appointed, that is to say very little work can be done between the time that the elections and appointments are gazetted and the new board has met: between that date and the date when they validly elect a President, or a President has been appointed—between these two dates very little work can be done. Whatever work has got to be done has got to be done by the old President as the President of the board and the old board must continue at least in name, as has been proposed by this amendment; so that the person may be called the President or otherwise he will be the President of a non-existent board: he will not be the President of a new board—he may not be a member of it, when the old board is dissolved. It is no use saying, as has been stated in the report of the Select Committee, that the continuity of the office of the former President of the union board shall remain; that is to say, the former President will continue to be the President of the union board which has been newly elected. Well, the board of which he was the President ceased to exist and he is not a member of the new board. Still you force upon the reluctant new board a President; that will mean that not only the new may possibly consist of a larger number than the maximum number of members allowed by the Act: but also it will mean that you ask the former President who is not a member of the new

board to act as a President of the newly elected board. That, I submit, Sir, is hopelessly illogical and cannot possibly be supported. I therefore think that the amendment proposed by my friend, Mr. Tamizuddin Khan, is absolutely reasonable and is the only reasonable solution of this impasse. It should, therefore, be accepted by this House.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I anticipated most of the arguments put forward by Maulvi Tamizuddin Khan in connection with the amendment which was moved by my friend, Mr. N. K. Basu. The point is this: We cannot have two sets of persons at the same time claiming authority over the management of a union board. The difficulty, if it at all arises, will arise in connection with the failure of the newly constituted board to elect its President. So a new board is constituted, it has come into existence and you cannot say that it is not there. The new board will be constituted properly the moment the names of the elected and appointed members are gazetted. You cannot say that the newly constituted board has not met. In fact, it has met, but it has failed to elect its President. Now, the President of the retiring board will go on functioning only as President, but he will not preside over the retiring board, but will only discharge such functions which he can as President. (MR. NARENDRA KUMAR BASU: Under what provision?) The object of allowing the retiring President to continue in office is that there may not be an interregnum and there will be no difficulty as has been suggested by Mr. Basu.

Sir, in the Calcutta Municipal Act there is a similar provision and this principle was accepted in connection with the amendment of the Bengal Municipal Act, 1932. No difficulty up till now has been experienced in working the section. I think it is a salutary provision which has been suggested by the Select Committee. There must be an executive to carry on the work, so that there may not be an interregnum——

**Dr. NARESH CHANDRA SEN GUPTA:** May I ask the Hon'ble Minister under what section it can be done? What does he mean by "functioning"? Section 11 says that the union board comes into existence after the next general election for the union board; and to that a proviso has now been proposed to be added. Therefore, the section must be read with the proviso.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I did not say that it will begin to function. It will be discharging its ordinary

duties. I may also point out in this connection that there is no danger, in view of sub-clause 2 of section 8 of the Village Self-Government Act, of the retiring President continuing in office indefinitely, because if the newly constituted board fails to elect its President, the district board will have the right to appoint one within a scheduled time, and I am sure they will do so.

The motion being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Maulvi Tamizuddin.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Mr. Ananda Mohan.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abdur-
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Suhrawardy, Mr. H. S.

NOES.

Ahmed, Khan Bahadur Maulvi Emaduddin.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Basu, Babu Jatindra Nath.
Benjamin, Mr. H. D.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Aparna Kumar.
Das, Babu Gauripresad.
Dutt, Mr. G. S.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guha, Babu Profulla Kumar.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D V.
Khan, Mr. Nasser Rahman.
Lockhart, Mr. A. R. E.
Martin, Mr. G. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mitra, Babu Sarat Chandra.
Mukherji, Rai Bahadur Satish Chandra.
Nag, Reverend S. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Nuhoom, Mr. A.
Ray Chowdhury, Mr. K. C.
Ray Chowdhury, Babu Satish Chandra.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Babu Haribansa.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sandaulullah, Maulvi Muhammad.
Sahana, Rai Bahadur Satya Kinkar.
Sen Rai Sahib Akshoy Kumar.
Sen, Mr. S. N.
Sen Rai Bahadur Sris Chandra.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson Mr. H. R.
Williams, Mr. A. deG.
Woodhead, the Hon'ble Sir John.

The Ayes being 24 and the Noes 46, the motion was lost.

*Clauses 6 and 7.*

The motion that clauses 6 and 7 of the Bill stand part of the Bill was put and agreed to.

**Adjournment.**

The Council was adjourned till 3 p.m. on Tuesday, the 19th February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 19th February, 1935, at 3 p.m.

**Present:**

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 98 nominated and elected members.

## GOVERNMENT BUSINESS

## LEGISLATIVE BUSINESS

### GOVERNMENT BILL.

### The Village Self-Government (Amendment) Bill (1934), 1935.

The discussion of the Bengal Village Self-Government (Amendment) Bill was resumed.

*Clause 8.*

**Rai Bahadur SATISH CHANDRA MUKHERJI:** In moving the amendment No. 18, may I move No. 20?

**Mr. PRESIDENT:** No—only 18.

**Mr. NARENDRA KUMAR BASU:** On a point of order, Sir. As I understand, so far as amendment No. 20 is concerned, no sanction has yet been received from the Government of India. The general feeling of the House is that the discussion of clause 8 may be adjourned for the present.

**Mr. PRESIDENT:** Yes, sanction has not been received for amendment No. 20. Is there any objection to leave out clause 8 for the present? I do not mind if it is put off.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I have no objection, Sir, to leave out clause 8 for the present.

**Mr. PRESIDENT:** I postpone the consideration of clause 8.

(The discussion on clause 8 was then postponed.)

*Clause 9.*

**Kazi EMDADUL HOQUE:** I beg to move that in clause 9(*2*) in proposed clause (*viia*), line 2, the words "the president of" be omitted.

Sir, this clause requires that the chaukidar will give an immediate information to the president of the union board of the district of epidemic diseases, etc. But, Sir, it may be that the president may be away on tour or otherwise and so in a case of an epidemic it will be proper if he gives the information to the union board and not to the president in particular.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Government are prepared to accept this amendment.

The motion was put and agreed to.

**Maulvi ABUL QUASEM:** I move that in clause 9(*2*), in proposed clause (*viia*), lines 3 and 4, for the words "or cattle disease" the words "among men or cattle" be substituted.

Sir, under this clause the chaukidar is required to report epidemic diseases only among men and of any disease in respect of cattle. Sir, it is asking too much of a village chaukidar to report all diseases, whether epidemic or not, in respect of cattle. I quite understand the importance of report about epidemic diseases in respect of both men and cattle in which prompt action should be taken. But every disease in respect of cattle would be too much for the chaukidar to report.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I am prepared to accept this amendment on behalf of Government.

The motion was put and agreed to.

The motion that clause 9, as amended, stand part of the Bill was then put and agreed to.

*Clause 10.*

**Kazi EMDADUL HOQUE:** I move that in clause 10 after proposed sub-section (4C) the following be inserted, namely:—

"Provided that nothing contained in this Act or in any rule made under this Act shall debar a union board, singly or in conjunction with

any other union board, to establish *Ayurvedic*, *Hakimi* or *Homeopathic* dispensaries or to give aid to such institutions for the preservation of the public health."

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** May I suggest that this amendment had better be taken up along with amendment No. 55 which is really the substantive amendment? This motion seems to be out of place.

**Mr. PRESIDENT:** But that amendment relates to clause 14. How can this be taken up along with that

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** It is practically the same amendment, but the proposed amendment seems to be out of place here. If the mover wants this provision, he should move it under clause 14.

**Mr. NARENDRA KUMAR BASU:** Sir, I do not think the Hon'ble Minister is right. Section 26 refers to the duties of the union board. Section 31A deals with grants, and unless you prescribe the duty under clause 10 you cannot deal with grants under clause 14. If this amendment fails then the amendment No. 55 will consequently fail.

**Mr. PRESIDENT:** I leave it to the discretion of the mover. I do not see any reason why it cannot be moved at this stage.

**Kazi EMDADUL HOQUE:** If I have your permission I should like to move it now.

**Mr. PRESIDENT:** You have already moved it. You may now speak on the same.

**Kazi EMDADUL HOQUE:** Sir, Government have not yet been able to bring medical relief to the poor villagers. With the limited resources at their disposal union boards will not be able to establish Allopathic dispensaries as they are a very costly affair but with their limited funds they would be able to establish Homeopathic, Hakimi or Kaviraji dispensaries or to grant aids to such institutions. If the intention of Government is to offer medical relief to the poor villagers in some form or other, then my suggested provision will meet that end.

**Mr. NARENDRA KUMAR BASU:** Sir, I have great pleasure in supporting this amendment. I should think in the present state of the union boards and of the country the establishment of Allopathic dispensaries would be out of the question. A more economic affair would

be to establish "Homeopathic dispensaries, etc." "in conjunction with other boards, etc." I think as a matter of fact the district boards of Bengal are also given power to establish or to subsidize Homeopathic dispensaries, etc. and if I remember rightly the Hon'ble Minister himself the other day opened such a dispensary and in his speech expressed the desire that more such dispensaries might be established in all the district boards. That being so I think it is very necessary that union boards should also have the power to establish dispensaries other than Allopathic dispensaries.

I shall however ask the mover to consider whether he could leave out the last sentence from his proviso and tack it on to his amendment No. 55—I mean the words "or to give aid to such institutions for the preservation of public health." This ought to come under clause 14. I do not know whether you, Sir, will permit me to move this in the shape of an amendment. These words are not really needed here.

**Dr. NARESH CHANDRA SEN GUPTA:** I am sorry I do not see eye to eye with either the mover or Mr. Basu. The clause, as it stands, authorises the union boards to undertake to carry out measures for the furtherance of public health. It says nothing about Allopathic dispensaries or anything of that sort. Therefore, union board will have power to do anything for the furtherance of public health within their means. There is no question of their being bound down to open a particular sort of dispensary. Then why this proviso? It will only hamper their operations. It provides for the duties of the union boards to carry out measures for the furtherance of public health. It is in as general a form as possible and this is as it should be. To put a proviso like this would in a sense hamper the discretion of union boards and it is quite unnecessary.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I am grateful to Dr. Gupta for explaining my view point. This clause if it is to be accepted at all should come either under section 31A or section 32 which deals with medical relief and not under clause 10 which deals with certain general powers. It is not medical relief in any form. This amendment is aboslutely out of place here. It should be moved along with item No. 55 under section 31A of the Act.

**Mr. PRESIDENT:** Are you opposing it on that ground alone? Have you nothing to say about the merits of the clause?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** About the merits of the clause Government have allowed under the rule-making powers of the Local Self-Government Act, local bodies to establish dispensaries other than Allopathic dispensaries. Union boards may also be permitted

by rules to do so. It is not necessary to have a provision like this in the Act itself. I can assure the mover that Government will change the rules and allow the union boards too to establish such dispensaries.

**Kazi EMDADUL HOQUE:** Sir, in view of that explanation I beg to withdraw my motion.

The motion was then by leave of the House withdrawn.

The motion that clause 10 stand part of the Bill was then put and agreed to.

*Clause 11.*

**Maulvi ABUL QUASEM:** I beg to move that in clause 11, in proposed section 26A, lines 4 and 5, for the words "or cattle disease" the words "among men or cattle" be substituted.

Sir, my reasons are the same as in the previous case.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I am prepared to accept it on the analogy of the previous amendment.

The motion was put and agreed to.

**Babu KISHORI MOHAN CHAUDHURI:** I move that in clause 11, in proposed section 26A, in lines 6 and 7, for the words "district health officer" the words "Chairman of the district board" be substituted.

Sir, my suggestion amounts to this. The Health Officer may not be present always in the headquarters; so it would be better if we substitute the word "chairman" instead of the "health officer," as he is the fit and proper person to receive the report.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I cannot accept this amendment. The proper person to whom the information should be sent is the Chief Medical Officer and not the Chairman. The mover's suggestion is that the Health Officer may not be present at the headquarters. On the contrary I should think that it is the Chairman who may not be always available at the headquarters. He may be in mufassal. So the Health Officer is the proper person to receive the report. It is no use bringing in the Chairman here.

The motion was put and lost.

**Maulvi ABUL QUASEM:** I move that in clause 11, to proposed section 26B, after the words "epidemic disease" in the last line the words "among men or cattle" be added.

Sir, my reasons are the same as before.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I am prepared to accept the amendment.

The motion was put and agreed to.

The motion that clause 11, as amended, stand part of the Bill was then put and agreed to.

*Clause 12.*

**Rai Bahadur SATISH CHANDRA MUKHERJI:** I beg to move that clause 12 be omitted. Clause 12 proposes an addition to the existing section 27, and the amendment to sub-clause (4). Sub-clause (2) says "If any work required by any such notice is not executed within the period specified in the notice, the union board may itself cause such work to be carried out and may recover the cost thereof from the owner, etc....." The sub-section proposes a penalty, a fine which may extend to Rs. 25, and also to a further fine. Though there is such a provision in the Bengal Municipal Act, the question is whether this should be extended to union boards. Conditions in municipal areas are not exactly the same as conditions in rural areas, and I think if the new sub-section is accepted, it might give opportunities to persons who might be so disposed on account of party faction, to oppress men of the other side, by taking recourse to this clause The object of my amendment is that there is already a proper machinery provided in the Statute. The object of village self-government is to improve the condition of the village, and if that object is gained by getting the work done which is the principal thing, there is no reason for providing an additional remedy in the shape of a criminal prosecution. The effect will be that it would really frustrate the object aimed at.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Sir, this is a very reasonable amendment. It appears from the section itself that there are certain things which make it beyond the power or means of a particular person to carry out, for instance, filling up private tanks, improve sanitary conditions, construction of private drains, etc. This may be one of the orders passed by the union board. If it becomes essentially necessary for the improvement of the health of the locality, and for the convenience of the public, certainly the provisions of clause (2) that the union board may carry out the work at the cost of a particular person, are quite enough, and if over and above that, they are also saddled with fines for delay in executing the work which might be due to any reason other than their unwillingness to do so, I think it is stretching things too far, and do not think that the union board, as they are constituted at present, under the conditions which prevail in the villages, can in all cases be trusted to exercise their power

judiciously and with discretion. So I think it will be better not to extend these powers of the union board by providing for infliction of fines on particular persons, as we know that that remedy is already there. I support this amendment.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I support the amendment but for a slightly different reason. This section proposes to add a fine to the provisions of sub-section (2) of the Act, that is to say, a fine which would be imposed after a prosecution. That is to say, the union board desires a thing to be done, and if a person who is called upon to do it, evades doing it, the union board will not only have the power to do the thing itself, but can also prosecute a defaulting proprietor. A prosecution by a union board means that the union board goes as a complainant before a magistrate at a somewhat distant place. The union board is different from a municipality. Almost every municipality has a magistrate near at hand, but a union board has not. This fine will be imposed on a conviction by a magistrate. It means that a criminal proceeding will be started, there will be a defence and a protracted litigation. A union board with its small resources should be saved from litigation as much as possible, and should not be encouraged to rush into litigation of this sort, criminal or civil. Therefore, I think no useful purpose will be served by putting in this clause, except setting up a fresh cause for party faction in the village, and heart-burning on account of prosecution engineered by the union board. So far as doing the work is concerned, it can be done under section 2. Having regard to the fact that everybody is anxious that union boards should not be involved in litigation as much as possible, this particular piece of legislation should not be permitted.

**The Hon'ble Khan Bahadur M. AZIZUL HAQUE:** I am afraid my friend has altogether misunderstood the scope of this section. Under section 27 union boards have got certain powers to improve the sanitation, conservancy and drainage of a particular village. When that is defaulted, there is power of course under section 27(2) for the union board to get the work done, and reimburse itself by getting the money from the delinquent. But unfortunately our experience is that even though that work can be done with a view not merely to create a feeling in the village it may sometimes be inconvenient for a union board not to do that thing at all. Personally, as one working in the union board and also in the municipality, I have felt considerable difficulty in getting the work done, but if you proceed to the Sub-Deputy Magistrate, it can be done better. There are so many difficulties in keeping accounts and giving explanations, that the shortest course is to go to the Magistrate, and if the Magistrate is satisfied that they are defaulting, he decides to prosecute. In view of that, I think it is

no use saying that this provision is not at all sufficient and it is too late in the day to suggest that there will be any likelihood of any party feeling and quarrelling in the union board, if this power which is to benefit the union board is to be exercised by them. I am afraid this misunderstanding of the Rai Bahadur is altogether out of place.

Rai Bahadur Satish Chandra Mukherji's motion was put and lost.

**Babu HEM CHANDRA ROY CHOUDHURI:** I beg to move that in clause 12 in proposed sub-section (*4*) of section 27, in line 2, after the word "fails" the words "without sufficient reason" be inserted. The object of my moving this motion is to draw the attention of the House——

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** May I intervene at this stage and say that Government are prepared to accept the amendment in a modified form. With your permission, Sir, Mr. Sen will move the amendment in the amended form.

**Rai Bahadur CRIS CHANDRA SEN:** If the mover inserts the words "without sufficient reason" after the word "fails," I think that would be better.

**Mr. PRESIDENT:** Will you read out the amendment in its modified form?

**Rai Bahadur CRIS CHANDRA SEN:** It will read thus: "That in clause 12 in proposed sub-section (*4*) of section 27, in line 2, after the word "fails" the words "without sufficient reason" be inserted.

**Babu HEM CHANDRA ROY CHOUDHURI:** I accept that.

The motion in its amended form was put and agreed to.

**Maulvi ABUL QUASEM:** I beg to move that in clause 12 in proposed sub-section (*4*) of section 27, line 6, for the words "from the date of" the words "to be specified in" be substituted.

**Rai Bahadur CRIS CHANDRA SEN:** With your permission, Sir, may I intervene at this stage? Government are prepared to accept this amendment, subject to the following verbal alteration, namely, that for the words "from the date of such order" the words "to be specified in such notice or order as the case may be" are to be substituted.

**Maulvi ABUL QUASEM:** I accept the modification.

**Rai Bahadur GRIS CHANDRA SEN:** It will read thus: "that in clause 12 in proposed sub-section (*4*) of section 27, in line 6, for the words "from the date of such order" the words "to be specified in such notice or order as the case may be" be substituted.

The motion in its amended form was put and agreed to.

**Babu HEM CHANDRA ROY CHOUDHURI:** I beg to move that in clause 12 in line 7 of proposed sub-section (*4*) of section 27 after the word "order" the following be inserted, namely:—

"or fails to transfer the right of ownership and possession in the property to the union board."

Sir, the object of my moving this motion is to draw the attention of the House to those cases where the owner of the property on whom a notice is served to do some work is unable to comply with it due to want of sufficient means, or that the cost of doing the work will be so much that it may exceed the value of the property. In that case it will be a great hardship to compel the owner of the property to do the work. It may so happen that the nuisance which the owner of the property is asked to remove may not be his own creation, it may be that he has got the property by auction sale or by right of inheritance, or it may happen that the nuisance was there from time immemorial. So I think in that case, the owner of the property should not be compelled to incur a cost which is prohibitive. If that nuisance is to be removed for the improvement of the sanitary condition of the locality, the union board should take up the work, if the owner of the property be willing to transfer the right of ownership in the property to the board. In all fairness, I think that the owner of the property should not be compelled to do something the cost of which is beyond his means or prohibitive.

**Dr. NARESH CHANDRA SEN GUPTA:** May I suggest a verbal amendment to the amendment of Babu Hem Chandra Roy Choudhuri which will make it at least more elegant. Instead of his amendment the following be inserted "unless within such period he transfers the right of ownership and possession of the property to the union board". If that is done, I think it will be more clear. If that modification is accepted it would come to this that "if any person fails to comply with a notice issued under clause (*b*) of sub-section (*1*) or in the case of an appeal under sub-section (*3*) with an order modifying or confirming such notice within a reasonable period specified in such notice or order, he shall unless he transfers the right of ownership or possession in the property to the union board be punished with a fine....." I think the amendment suggested by me is reasonable.

**The Hon'ble Khan Bahadur M. AZIZUL HAQUE:** Sir, I am afraid my friends have misunderstood the scope of the union board. It is not

the duty of the union boards to acquire properties. On the other hand, its duty is to look after the sanitation, conservancy and other things of villages. Once we create a precedent like that suggested in the amendment I fail to foresee its consequence, because it will then have to administer that property and will practically become a *zemindary* concern. The administration of the union boards will then become impossible and it would be going against the very spirit of the Act and will bring utter confusion. I am afraid it is a totally misconceived amendment and I oppose it from this side of the House.

**Maulvi ABUL QUASEM:** Sir, I rise to support the amendment which has been moved by Babu Hem Chandra Roy Choudhuri. I draw the attention of the House to section 27(*I*) (*a*) (*iv*) of the Act. It runs thus: "If it appears necessary to improve the sanitary condition of the union or any part thereof, the union board may, or under the orders of the district board, shall, cause any well, pool, ditch, tank, pit or pond, or any place containing or used for the collection of any drainage, filth or stagnant water, which appears to be injurious to health or offensive to the neighbourhood or in any other respects a nuisance, to be filled up, cleansed or deepened or the water to be drained off of removed therefrom, or such other action to be taken therewith as may be deemed necessary." The village people are poor and a tank may be in existence there from time immemorial. The union board may consider it a nuisance but it may be simply impossible for the poor man to carry out the improvement. If in those circumstances the union board still thinks that the improvement is necessary let the union board accept a transfer of the property in question and effect the improvement itself. By this proposed section you are going to compel the poor man to do that which he is really unable to do. I therefore support the amendment.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Sir, there is one thing which I should like to bring to the notice of the treasury bench. It may be that there is a particular drain which requires to be filled up or improved from the union board's point of view and if the owner is unable to carry out the improvements and transfers his right of ownership to the union board, I do not see any harm in it. If the amendment of Dr. Naresh Chandra Sen Gupta is accepted by Government, I think it would relieve the poor man of his burden.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I rise to oppose the amendment. As has already been sufficiently and clearly explained by my hon'ble colleague, the duty of the union board is not to acquire properties but to improve the health of the villagers. If this amendment is accepted, before long the union board may be converted into a *zemindary* company. We must not proceed with the presumption that the union board is to act in a manner which is contrary to the

interests of the ratepayers. My hon'ble friends who have moved and supported this amendment should consider that the union board is an institution on which the villagers elect the majority of their own representatives. These villagers are thoroughly identified with the interests of the village, and there is no reason whatsoever to assume that they would act in a manner which is contrary to such interests. Government have already accepted the amendment of Babu Hem Chandra Roy Choudhuri in item No. 41. I think that is a sufficient safeguard, and to go beyond that is really to cripple the union boards, to prevent the union boards from doing something which is absolutely necessary in the interests of the health and sanitation of the villages. I oppose both the amendments.

Dr. Naresh Chandra Sen Gupta's motion being put a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Barma, Babu Premhari.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Nurul Absar.
Fazlullah, Maulvi Mohammad.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Ossman, Maulvi Abul.
Ray, Mr. Shasti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rauf, Babu Hossni.
Roy, Mr. Sarat Kumar.
Ray Choudhuri, Babu Hem Chandra.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.

NOES.

Ahmed, Khan Bahadur Maulvi Emadeddin.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Benjamin, Mr. H. D.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chowdhury, Maulvi Abdul Ghani.
Cohen, Mr. D. J.
Das, Babu Surarpossad.
Dutt, Mr. S. S.
Kasemji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. R.
Gladding, Mr. D.
Guha, Babu Profulla Kumar.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Hussain, Maulvi Mohammad.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razzar Rahman.
Khan, Maulvi Tamizuddin.
Martin, Mr. O. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Khwaja Sir.
Nicholl, Mr. C. K.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Rai Mahasai, Manindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Mr. R. N.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Saadatullah, Maulvi Mohammad.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. S. R.
Sen, Rai Bahadur Sris Chandra.
Steven, Mr. J. W. H.
Thompson, Mr. W. H.
Townend, Mr. H. F. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.
Woodhead, the Hon'ble Sir John.

The Ayes being 17 and the Noes 52 the amendment was lost.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

**Babu HEM CHANDRA ROY CHOUDHURI:** In view of the acceptance by the House of amendment No. 42 I do not want to press my amendment No. 44. I would like to withdraw it with the leave of the House.

The following amendment was therefore by leave of the House withdrawn:—

Babu Hem Chandra Roy Choudhuri to move that in clause 12 to proposed sub-section (4) of section 27 for the words "so fails" at the end the words "fails to undertake the work" be substituted.

The question that clause 12, as amended, stand part of the Bill was put and agreed to.

*Clause 13.*

**Rai Bahadur SATISH CHANDRA MUKHERJI:** Sir, I beg to move that clause 13 be omitted.

I only formally move my amendment. It is nothing but a repetition of my amendment relating to the deletion of clause 12. In spite of the Hon'ble Minister's speech in connection with that amendment I mantain that the means and education of the villagers are not exactly the same as in the towns. He has said that prosecution before Subdivisional Officer or a Magistrate will act as a pressure upon that man to do the work which is required by the law to do. That, Sir, is an extreme case The notice issued whether by a municipality or by a union board is as good a pressure as a criminal prosecution because these people who are now making themselves acquainted with the Act have come to know that they cannot counteract its effect by ignoring it. Therefore it seems to me that it will be unnecessary to have such a provision in the new Act.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I beg to support this amendment. This amendment is very similar to the one which the Council has already rejected but there is a difference. In the other case it was a question of doing more elaborate work. Under section 28 provision is made for cleansing of the union. It says "A union board may employ an establishment for cleansing of the union or any part thereof". "Where no such establishment is employed by a union board the board may by written notice require owners or occupiers of land in the union to cleanse such land to the satisfaction of the board within a reasonable period." Sub-section (3) says if that is not done the union board can do it itself and recover the cost. So far as this matter is concerned there is no reason why there should be an additional penalty. This is a small matter which the union board can easily do and recover the cost. It is not one of those elaborate things such as digging a tank deeper or filling it up or things like that. I submit, therefore, that in this matter at any rate there is no justification for an additional penalty.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I formally oppose this amendment exactly on the same grounds on which I opposed the amendment of the Rai Bahadur in connection with clause 12. As I explained on a previous occasion it would only give additional sanction to the provisions of section 27(*1*) for enforcing them and very likely the presence of these sections on the Statute Book would induce persons to readily comply with such requisitions under section 27(*1*) and there would be very little occasion for the actual use of the penalty clause. It is not at all desirable that the union boards should be in every case refused compliance with requisitions and should be required to set the work done and get itself reimbursed from the delinquent persons. On these grounds I oppose the motion.

Rai Bahadur Satish Chandra Mukherji's motion was put and lost.

**Babu HEM CHANDRA ROY CHOUDHURI:** I beg to move that in clause 13, in proposed sub-section (*5*) of section 28, in line 2, after the word "fails" the words "without sufficient reason" be inserted.

My reasons, Sir, are the same as I advanced in connection with my amendment No. 41.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I accept the amendment, Sir.

The motion was put and agreed to.

**Maulvi ABUL QUASEM:** Sir, I beg to move that in clause 13, in proposed sub-section (*5*) of section 28, line 6, for the words "from the date of" the words "to be specified in" be substituted

I believe, Sir, Government are prepared to accept this amendment on the same terms as they have accepted an amendment very similar to this.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Yes, Sir. We are prepared to accept the amendment subject to some change in wording as in the case of a previous amendment.

Maulvi Abul Quasem's motion was put in the following amended form and agreed to:—

"That in clause 13 in proposed sub-section (*5*) of section 28, line 6, for the words 'from the date of such order' the words 'to be specified in such notice or order as the case may be' be substituted."

**Babu HEM CHANDRA ROY CHOUDHURI:** I beg to move that in clause 13, in line 6, of the proposed sub-section (*5*) of section 28 after the word "order" the following be inserted, namely:—

"or fails to transfer the right of ownership and possession in the property to the union board."

I do not want to make a speech. My speech in connection with my amendment No. 43 will cover this amendment also.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I oppose the amendment on the same ground on which I opposed amendment No. 43.

The motion was put and lost.

The motion that clause 13, as amended, stand part of the Bill was put and agreed to.

*Clause 14.*

**Babu KHETTER MOHAN RAY:** Sir, I beg to move that in clause 14, in the proposed section 31A, in line 1, after the words "the union board may" the following be inserted, namely:—

"(*a*) make grants to any—

(*i*) middle English school,

(*ii*) high English school, or

(*iii*) other secondary school

which holds agricultural classes, or to any technical school situated within the union, and."

Sir, the Bill provides that a union board may be able to grant stipends to any student having a place of residence within the union who is pursuing his studies in a middle English school, high English school, or other secondary school, which holds agricultural classes, or to any technical school, in the same district as the union. It shows, Sir, that the union boards have been deprived of the power to grant any aid or to make any contributions towards the maintenance of such schools, but that they will grant stipends to the students who read in these schools. I think, Sir, that it is quite in the fitness of things that if you retain clause (*b*), you should retain also clause (*a*) of the original Bill. I hope, Sir, that Government will accept the amendment.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I oppose the motion. It is not the function of union boards to make any grants-in-aid. It would be far too ambitious a condition to impose upon them. That is one of the reasons for my opposition. (BABU KHETTER MOHAN RAY: I want the grant in the case of those schools which hold agircultural classes.) Well, I am not to be taken in by the words "agricultural classes."

Sir, while on this motion I notice that there is an attempt at reform in the orthography of words in so far as the word "English" is always written with a small "e."

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I rise to oppose the amendment. This clause was very carefully considered by the Select Committee, and the Select Committee thought exactly on the same lines as Dr. Sen Gupta, viz., that it is not the function of the union boards to make any grants-in-aid to schools. Their funds being extremely limited, it would, indeed, be highly ambitious to expect them to contribute towards the maintenance of any high, middle, or secondary schools only if agricultural and technical classes are held in them. The grant which may be made to these schools may not be utilized towards the maintenance of the technical or agricultural classes, but go towards the maintenance of the general classes. On this ground this amendment was deleted by the Select Committee, I think that this is an improvement and the House should stick to it.

The motion was put and lost.

**Rai Bahadur SATISH CHANDRA MUKHERJI:** Sir, I beg to move that in clause 14, in proposed section 31A, in line 3, from the bottom, after the word "technical" the words "or agricultural" be inserted.

I think, Sir, that the words "or agricultural"——

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, might I intervene at this stage and say that Government are prepared to accept this amendment?

The motion was put and agreed to.

**Maulvi ABUL QUASEM:** Sir, I beg to move that in clause 14, in proposed section 31A, in the last two lines, the words "situated within the same district as the union" be omitted

**Mr. PRESIDENT:** Have you any objection to moving the next amendment along with this and making one speech?

**Maulvi ABUL QUASEM:** Sir, if Government are pleased to accept the amendment which I have just moved, then I shall not move the other one.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I accept the amendment.

The motion was put and agreed to.

The motion that clause 14, as amended, do stand part of the Bill was put and agreed to.

*Clauses 15 and 16.*

The motion that clauses 15 and 16 and part of the Bill was put and agreed to.

*Clause 17.*

**Rai Bahadur SATISH CHANDRA MUKHERJI:** Sir, I beg to move that in clause 17, in proposed section 34 (*1*), line 5, after the words "trade and business" the words "or godown or manufactory for such trade or business" be inserted.

Sir, the reason for moving this amendment is that it so happens that in similar matters within a municipal area Government have ruled by a circular that trade or business does not include a godown or a manufactory and the Chairman of a municipality in my district had been complaining to me that he was unable to tax godowns or manufactories because trade or business means where work is done for profit and as godowns and manufactories are the places where the things are prepared or kept and are sent to Calcutta for the purpose of trade or business, *i.e.*, sale and purchase in Calcutta. Therefore the municipalities outside Calcutta—I mean the union boards outside Calcutta—will have the authority in spite of these provisions to grant a licence and to levy any fees because in their cases also the interpretation would be that trade or business is not carried on there, because it is only a godown or manufactory. Therefore to remove this anomaly and the difficulty and really to give the power which this section intends to confer upon these union boards, I have sought to introduce the words. With these words I move the amendment

**Mr. C. S. DUTT:** Sir, I rise to oppose this amendment. The difficulty felt by the mover is more imaginary than real. If a godown or a manufactory is used for the purpose of storing or manufacturing articles which are the products of a trade or business declared by the Local Government to be offensive or dangerous, it will be covered by the term "place" in line 1 of this clause. I think therefore the amendment is absolutely unnecessary inasmuch as the provision of the Bill is comprehensive enough. For these reasons, Sir, Government must oppose the amendment.

The motion was put and lost.

**Kazi EMDADUL HOQUE:** Sir, I beg to move that in clause 17, in proposed section 34 (*6*), for the words "district magistrate" wherever they occur the words "chairman of the district board" be substituted.

Sir, my reason for moving this amendment is simply this. As the union boards are local bodies, the appeal should lie to the chairman of the district board instead of to the District Magistrate. I think, therefore, that this amendment will be accepted by the Hon'ble Minister.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I support the amendment which has just now been moved. Looking at the scheme of the Village Self-Government Act, it would appear that the union boards have been placed under the control of two different authorities, viz., the District Magistrate and the District Board. The District Magistrate is concerned with matters connected with the policing of the villages and similar things, while the District Board is concerned with the other functions, viz., local-government functions of the union boards. It would be consistent with that principle to say that in this matter, which is a part of the local-government function of the village union board, the authority to hear the appeal should be the District Board and not the District Magistrate. If you look at the Act, you will find that this licensing is a part of the local-government business: it is one of the means of replenishing the union board funds and of preventing the carrying on of obnoxious trades. I submit, therefore, that it is perfectly consistent with that principle to lay down that the appeal shall lie before the Chairman of the District Board.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I rise to oppose this amendment. I do not think that Dr. Sen Gupta is quite correct when he says that the words "District Magistrate" should be substituted by the words "the Chairman of the District Board," because it would be more in conformity with the scheme of the Act.

I would draw the attention of the House to sub-clause (*1*) of section 34. There the Local Government declares by notification what will be considered as offensive and dangerous trades. Similarly, under sub-clause (*3*) a license is granted subject to the approval of the District Magistrate so the District Magistrate should be the appellate authority and not the Chairman of the District Board. It is only proper that the District Magistrate who is not likely to be a party man, should have the final say and not the Chairman of the District Board.

The motion was put and lost.

**Maulvi ABUL QUASEM:** I beg to move that in clause 17 in the proposed section 36 (*6*), line 3, after the word "license" the words "within thirty days from the date of such order" be inserted.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Government are prepared to accept this subject to the amalgamation of amendments 62 and 63.

**Mr. PRESIDENT:** But the other amendment has not yet been moved. It can be moved at this stage.

**Maulvi TAMIZUDDIN KHAN:** I beg to move that in clause 17, in proposed section 34 (*6*), line 3, after the word "license" the following be inserted, namely:—

"or imposing conditions in respect of a license."

Maulvi Abul Quasem's motion (No. 62) was put and agreed to.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** May I interrupt at this stage, with your permission? That is not what I mean. We mean that if the two are amalgamated———

**Mr. PRESIDENT:** I have already put the first and it has already been accepted.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Then there is no other alternative save to accept the amendment of Maulvi Tamizuddin Khan which will precede Maulvi Abul Quasem's amendment (No. 62).

Maulvi Tamizuddin Khan's motion (No. 63) was put and agreed to.

*Clauses 17 and 18.*

The motion that clause 17, as amended, and clause 18 stand part of the Bill was put and agreed to.

*Clause 19.*

**Maulvi TAMIZUDDIN KHAN:** I beg to move that in clause 19, for the words "to section 36 of the said Act" the following be substituted, namely:—

"In section 36 of the said Act for the words 'with the approval' the words 'subject to the approval' shall be substituted and to that section."

**Rai Bahadur CRIS CHANDRA SEN:** Government are prepared to accept this amendment.

The motion was put and agreed to.

*Clauses 19 and 20.*

The motion that clause 19, as amended, and clause 20 stand part of the Bill was put and agreed to.

*Clause 21.*

**Rai Bahadur SATISH CHANDRA MUKHERJI:** I beg to move that in clause 21, in lines 3 and 4, for the words "the circumstances within the union and property within the union, if any" the words "the

circumstances and the property, if any, owned within the union by the person liable to the same" be substituted.

The object of my amendment is this. There is a conflict of authority whether income accruing outside the union, but brought within the union, may be taxed. It is very easy to imagine cases of persons who are daily passengers from their village homes in the suburban districts coming to Calcutta and serving as clerks or in other capacities, and returning home to their villages. The question is whether in such cases the salary or any other income which they earn in Calcutta and which they carry home to their villages and spend there can be taxed under section 38, and there is a great conflict of authority in this matter. It has been laid down that the income accruing within the union is liable to taxation, and not income brought from outside. Now, Sir, the present Bill, as it stood before the Select Committee considered it, was this: "Assessment according to the circumstances of the property is within the property within the union." But now it says "circumstances within the union and property within the union." I think even before this change, it covered both the words "circumstances" and "property" and it has been interpreted that the word "circumstances" and "property" convey the same meaning. Therefore the question which has arisen, and which frequently occurs in law courts, is whether income accruing outside the union and brought within the union is liable to taxation. This question has not been satisfactorily solved by this amendment. In order to obviate this difficulty what I have suggested is this. That property and circumstances earned within the union by a person living within the union and income whether accruing inside or outside the union but brought within the union by the resident villager, will be liable to taxation. For this reason I have moved this amendment.

**Dr. NARESH CHANDRA SEN GUPTA:** I must say I fail absolutely to understand what this amended clause of the Select Committee means. The original clause of the Bill was different. The section also is quite intelligible. The rate imposed by the union board under section 37 shall be an assessment "according to the circumstances and the property, if any, within the union board," of the person liable to the same. It means according to the circumstances of the person liable to the same, and according to his property within the union board. Now the amendment proposes to make it read like this: "The rate imposed by the union board under section 37 shall be an assessment according to the circumstances within the union and the property within the union." I fail to understand what "circumstances within the union" may be. It is not English; it conveys no sense whatsoever. "Circumstances" has been sought to be limited to considering the circumstances of a person so far as his income within the union is concerned. But there is no such thing as "circumstances within the

union." Circumstances belong to the person. Therefore this section makes it wrong. On the contrary, the words suggested by Mr. Mukherji that the "circumstances and the property, if any, held within the union" makes good sense but at the same time I fail to see how it serves his purpose. The purpose which he has in mind is to take into consideration only the circumstances of the person so far as justified by his income within the union. That is not conveyed by the amendment he proposed, and I support this amendment because I think it means something different. It means that you have got to take into consideration the total circumstances of the person and the property of the person within the union. In this view, I support the amendment because to make an assessment you have got to take into consideration not only the person's earnings within the union, but his income from outside. Why should he not pay a higher tax if he is prosperous? I am here earning a decent income, but in my village my property yields next to nothing. Is that any reason why I should be assessed at the rate of 6 annas or 8 annas and not on the amount which I earn in the town? I will not disclose that. If this amendment were carried, my assessment in my village will be considerably reduced, and I do not want it to be reduced. We have got to take into consideration the circumstances of the person whom you are assessing irrespective of his income within the village, and in considering his property you may exclude the property which is not within the union.

In this view, I entirely support the amendment moved by Rai Bahadur Satish Chandra Mukherji though for a different reason.

**Mr. A. deC. WILLIAMS:** As we are at the moment only concerned with the amendment which has been moved, perhaps it is immaterial to justify the recommendation of the Select Committee. But I think it may be taken that they went into the matter very thoroughly. I may say, in passing, that it does seem to me that, though the expression "circumstances of a person within the union" may not be very happy, it is in no way open to misinterpretation, whereas in the proposed amendment we have the words "circumstances and the property, if any, owned within the union by the person." I have never heard of a person "owning" circumstances. If this is to be altered verbally, it will have to be "circumstances of the person". I therefore oppose this amendment on the grounds I have mentioned.

Rai Bahadur Satish Chandra Mukherji's motion was put and lost.

**Maulvi TAMIZUDDIN KHAN:** I beg to move that in clause 21, sub-clause (2), as introduced in Council, be re-inserted, and after the word "charity" in the last line in proposed sub-section (3), the following be added, namely:—

"or religious purposes".

Sir, in the Bill as introduced in the Council there was one clause added to section 38. That clause was to this effect: the union board may, either wholly or partially, exempt from the imposition of the rate under section 37 both the owner and occupier of a building which is used exclusively for purposes of public charity. Now, the Select Committee has omitted this sub-clause. My proposal is that that sub-clause should be re-inserted and at the end of that the words "or religious purposes" should be added, that is, if a building is used for charity or religious purposes, the union board will be in a position to exempt the occupier and the owner from the payment of the rate. I think that is a very salutary provision that was embodied in the Bill as introduced in the Council. I do not know why this sub-clause has been omitted by the Select Committee. Buildings used for religious purposes or charity may be exempt from the payment of the rate. It does not mean that the union board will be compelled in each and every case to exempt the occupiers of such buildings from the payment of the union board rate, but only in such cases as the union board thinks it necessary that such exemptions may be made. I think that power should be given to the union board, because unless that power is given it will not be just and proper and it will be very hard for the union board to carry out its functions.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I am afraid I do not appreciate the significance of this amendment either, and I think the Select Committee was perfectly justified in omitting this sub-clause. Section 37, as it stands, provides that the union board shall impose yearly on both the owners and occupiers of buildings within the union a rate amounting to so much. The owners and occupiers of buildings are to be assessed and the rate to be imposed by the union board shall be according to the circumstances of the occupier. Now, if it is a charitable institution, then the person who owns it is not assessable under section 38 because his personal circumstances would not be taken into consideration and the property owned by him would not be taken into consideration. I do not see how the trustees of a charitable institution come in at all here.

**Mr. NARENDRA KUMAR BASU:** I beg also to oppose the amendment. My friend, Maulvi Tamizuddin Khan, forgets that the union board rate is a rate imposed not upon the holding but upon the person.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I do not think I need add anything to what has already been said. I oppose the amendment.

The moton was then by leave of the House withdrawn.

*Clauses 21, 22, 23 and 24.*

The motion that clauses 21, 22, 23 and 24 stand part of the Bill was put and agreed to.

*Clause 25.*

**Mr. NARENDRA KUMAR BASU:** I beg to move that in clause 25 the proviso to proposed section 55A be omitted.

Section 55A gives power to the Commissioner to dissolve a union board where it has not been competent to perform, or persistently makes default in the performance of, the duties imposed upon it by or under this or any other Act, or exceeds or abuses its powers. I take it that in many cases the incompetency or the persistent default will be due to the incompetency of the president of the union board, but the Government seems to think that if a board is to be dissolved by the Commissioner for incompetency or persistent default, the president who is the root of all these evils is to remain. I submit this is a very illogical state of things, but if the Hon'ble Minister thinks that because the words have been accepted as an amendment to section 11, therefore these words ought to remain, that is another matter. However, I do think that for the purpose of real business being transacted it is necessary that this proviso should be omitted.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, in connection with this amendment, may I draw the attention of the House to what follows when a union board is superseded? When a union board is superseded under section 56 (*1*) the following consequences will ensue:—

(*a*) all members sitting on the board shall as from the date of the order vacate their offices as such members,

(*b*) all powers and duties of the union board shall during the period of supersession be exercised and performed by such local authority, person or persons and in such manner as the Commissioner may direct, and

(*c*) all property vested in the union board shall during that period vest in such local authority, person or persons and in such manner as the Commissioner may direct.

Supersession may take place for the same reason as the reason which justifies an order under section 55A. If the Commissioner in consultation with the District Magistrate is of opinion——

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, may I intervene and say that I am prepared to accept this amendment.

The motion was put and agreed to.

**Kazi EMDADUL HOQUE:** I beg to move that in clause 25, after proposed section 55A, the following be added, namely:—

"55B. If the Commissioner, after consideration of the views of the district magistrate and the district board, is of opinion that a union board cannot properly perform its duties owing to the negligence

or machinations of a member or members of such board the Commissioner may, with the approval of the Local Government by an order in writing specifying the reasons for so doing, declare the membership of such member or members vacant and order a fresh election or appointment to be duly made in their places."

Sir, I understand that a union board may not perform the duties imposed upon it not because all the members are incompetent to do so or that all the members are obstructive in their nature, but because there may be one or two members in the union board who have taken an attitude not to perform the duties imposed upon the union board or who make persistent default in the performance of the duties imposed upon them. In that case I do not understand why there should be a general election of all the members. I think the members on account of whose laches the union board cannot function, only their seats should be declared vacant and they should be made to undergo a fresh election. Other members should not be driven to seek fresh election for no fault of their own For this purpose I think Government should see its way to accept my amendment.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I oppose the amendment. Section 12 of the Act specifies the grounds on which the members should be removed, and Government are quite satisfied to leave things as they are The amendment suggested by the hon'ble member is quite vague.

The motion was put and lost

The motion that clause 25, as amended, stand part of the Bill was put and agreed to.

*Clause 26.*

**Mr. A. deC. WILLIAMS:** With your permission, Sir, I beg to move at short notice that in clause 26 in line 2, for the words "or transferred" the words "or if the case is transferred" be substituted.

Sir, it is with a view to correct a printing mistake that this amendment has been moved.

The motion was put and agreed to.

The motion that clause 26, as amended, stand part of the Bill was put and agreed to.

*Clause 27.*

The motion that clause 27 stand part of the Bill was put and agreed to.

*Clause 28.*

**Mr. NARENDRA KUMAR BASU:** I beg to move that clause 28 (proposed section 66A) be omitted.

Sir, having regard to the number of similar amendments that have been tabled on this clause and having regard to the volume of public opinion of which we, non-official members, have been receiving evidence through memorials and letters addressed to the press, I am afraid that this clause is ill-timed and premature. The Council has seen that the Select Committee in their wisdom preferred to delete clause 32 which had similar provisions with regard to civil cases. Clause 28 wants to give exclusive jurisdiction to union benches in certain specified criminal cases. That, Sir, is not very alluring. It may sound un-democratic, but I am afraid the country in general does not want it, and so far as I have been able to ascertain no representative of any district or union board wants such a thing. I do not think any representative from the districts wants that the jurisdiction of ordinary criminal courts should be supplanted by the jurisdiction of any selected union benches. I think the Government will be well advised to take account of public opinion which has made itself voiced in this connection and accept this amendment.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Sir, I beg to support this amendment. In this particular instance you cannot impute any motive to Government except the motive to advance the cause of self-government, but still I am bound to think that the country is at present not prepared to accept such drastic changes in the law and to invest union boards with such sweeping powers. One particular reason which must weigh with all persons, whether they have experience of the union benches or not, is this: we are accustomed to have our cases in law courts defended by lawyers in all cases. One of the healthiest principles of the British system of administration of justice is that every party has the right to have his case defended properly by persons who know law. It is a big pill for us to swallow to practically deny the parties in serious cases the help of lawyers and deprive them of their right to put their cases properly before the law courts. If one simply glances through the schedule, he will find that there are many sections of the Indian Penal Code included in the schedule of the Act which require a good deal of knowledge and study for proper elucidation and handling. One is surprised at the very outset to find that these cases are to be tried by the union benches. Whatever may be the knowledge of the members of the union benches of local conditions, the fact remains that they cannot be credited with that amount of knowledge of law which is essential for a person to try these cases. I might draw attention to one or two of the sections. One of these sections relates to the commission of assault and grievous injury under grave and sudden provocation. It is well known that the definition of what is grave and sudden provocation has puzzled many of our best judges even. And even the decisions of High Court Judges are sometimes found to be in conflict with each other. Then there is such a section which relates to offences of embezzlement and

dishonest dealings which carries with them punishment on the accused for two years and above. Of course union benches are not allowed to punish an accused to terms of imprisonment except in default of payment of fine but a decision has got to be arrived at according to law. These, Sir, are cases of grave offences and they require to be properly handled and they require to be placed properly before a court. When these sections are sections in regard to which union courts are proposed to be given exclusive jurisdiction, certainly there are many who will shudder with me at the consequences which are likely to follow. The Act allows no lawyers to appear before the union benches; we might expect that in course of time things might improve and the gentlemen in the villages might imbibe a knowledge of the law and might acquire also a knowledge of the proper methods of dealing out justice in cases like these, but, Sir, that time is not yet ripe. The reason is not known why lawyers have been debarred from appearing before union benches and union courts and that is probably a thing which will not be remedied very soon and there is no proposal before the House in the Bill allowing lawyers to appear there. This is the state of things practically in the union courts and they are thus in many cases left entirely without any guidance, regarding legal decisions which they are to give in a case. This is one weighty reason why we should omit this clause even if we assume for argument's sake that in the villages we have got a better set of judges than we have got in towns and in various other places. Over and above this it is within our knowledge and experience that we have not up to this time these institutions developed in any part of the country to an extent which will justify the placing of implicit reliance on them for the purpose of dispensing impartial justice. It is quite patent from the state of affairs that such reliance cannot be placed in them. It cannot be a proper answer to our contention that since you all want self-government why should you grudge these extensions of power in this field? We know, Sir, that even the Joint Parliamentary Committee's Report is very cautious as it is full of safeguards and even our best leaders, our best politicians are not fully trusted to handle the affairs of the country, although in those higher spheres which we believe they could well be trusted to carry on the administration successfully. So we should be very cautious here also and should have the experiment deferred till the time when this institution in all parts of the country has developed properly and to the extent desired. That is a point, Sir, which I hope will carry weight with the Hon'ble Members of this House.

There is one other consideration. Here I might say that it is well known that one of the very fundamental principles of the British administration of justice is that things should not be decided upon mere hearsay. Evidence should be well scrutinised and legally weighed and then only a decision should be arrived at. But here we find as a

matter of fact that things are quite different from what we think they should be. The utility and usefulness of union boards will not be reduced a bit even if we were not to give them any powers to decide civil cases, or criminal cases for the matter of that, because the primary justification for the existence of a union board is not to attend to civil and criminal affairs but to look to the sanitary improvements and other improvements of the villages. We know there are many things which they cannot attend to, but which, if properly attended to, would result in immense benefit to the people in their jurisdiction. And if I may say so their hands are already too full with what they have got to do in these lines to look to other things. And that is a potent reason why they should not be burdened with the onerous duties of deciding civil and criminal cases of a serious nature and I do not see any reason why the Subdivisional Officer, or the District Magistrate for the matter of that or other higher magistrates should be deprived of their jurisdiction. It may be said, Sir, that if a party has reason to fear that he will not get impartial justice at the hands of the union courts he may take the case before the Subdivisional Officer where he hopes to get impartial justice and his case will be readily transferred. But we the lawyers know the difficulty in the way of getting a transfer orders on the allegations of partiality arising out of village jealousies and enmities. For these reasons it may be very difficult to prove a case legally before a court of justice and unless you can prove legally that you have a substantial ground of complaint against a particular union bench, the court will hold that you have no grievance and no superior magistrate will agree to having your case transferred. That is very often the position, Sir. And although under the Criminal Procedure Code we have a right to transfer our case yet in practice we very often fail to obtain any success in this matter. So that this is a safeguard which I am bound to say is very illusory and is not at all likely to result in any substantial benefit. These reasons must weigh with us and that is why I enter a protest against this clause as well as against clause No. 32 which was dropped out by the Select Committee. We do not know if the opinion of the District Magistrates or the Subdivisional Officers, who have got to supervise the work of the union benches, were taken by the Hon'ble Minister but so far as my information goes that was not taken. It may be that Government was moved in the matter by some members of the union board to embody this provision in this amending Bill and therefore it may be said that there is public demand behind this provision of the Bill. I say, Sir, that Government have been misled in the matter though honestly misled I may say by some of our own people. In view of the general feeling in the country which is an index of the condition of the country and in view of the public opposition Government may be said to be proceeding to enact a measure which is much in advance of the times. This being the state of things, Sir, from this side of the House we implore Government

to be cautious and not to press for the inclusion of these two clauses in the Act. Let us wait and let Government make a general enquiry into the workings of the union benches and into their nature and effect further extension of powers and then it will be up to Government at a future date to bring forward a provision like this, if there is any real demand in the country for it.

It is proper and desirable that what is actually taking place in the union benches and courts should be brought to the notice of the Hon'ble Minister. I will only mention the instance of one district, namely, the district of Dacca where in some cases powers which had been granted to the union benches had to be withdrawn; I mention particularly Dacca because so far as Eastern Bengal is concerned Dacca is the most advanced district where we have in almost every village retired Government servants, and retired judges taking part in village affairs and with such persons to guide and control we might expect that things would run satisfactorily and smoothly; but even in that district powers which had once been granted had to be withdrawn So one can easily imagine what will be the state of affairs in districts like my own. I may mention here for the edification of the Hon'ble Minister and other members of this House that a judgment of a union bench once came to my hand which after considering the evidence says that the "*Sakkhi* is a *manakar pasu*," the witness is a beast in human shape and as such his evidence cannot be trusted We cannot believe the words of a beast, the witness is a beast; so we cannot believe the words of the witness a perfect syllogism, Sir, and nothing wrong can be found in it. That is the sort of judgment that passes there That is one case, and I can give another. In this case, a simple case under section 447, some 30 people were summoned from the village, that is, perhaps the whole faction of the opposite party And when the matter came on revision before the magistrate he simply laughed and set aside the judgment with a good humoured smile That, Sir, is the stage of things which prevail in the villages in these matters. I say this with no shame, because it is not we ourselves who alone are to blame but it is the higher authorities who must be held responsible for it. I do not mention these instances to excite shame but mention them only for the information of the Hon'ble Minister. You speak of self-government but I say that that you are rather harming the cause of self-government by giving authority to wrong persons. I know of cases in which wrong persons have been invested with powers and thereafter it made it possible for Government to say that it is your own people who cannot exercise these powers in a proper manner and therefore these powers had to be withdrawn. And thus a case will be made out for gradual withdrawal of more and more powers from us. But, Sir, what is the cry now? We are crying for more and more powers! We are denied our birthright at the top. If the top is right the bottom

will come right sooner or later, but there is no sense in thus denying us what we want but only giving us a few lolly-pops to keep us away from the main point and prize things which are illusory.

I hope our popular Minister and as far as the Hon'ble Minister for Self-Government is concerned, we all know that he spares no pains and trouble to acquaint himself with the real state of things, will consider the situation as it is. Therefore it is with great confidence that I appeal to the Hon'ble Minister not to rush forth this provision but to educate the people and enlighten them first and then come forward with new measures investing them with more and more powers and then only we can really go ahead. But till then please wait, for sufficient unto the day is the evil thereof and do not increase our troubles.

**Rai Bahadur Dr. HARIDHAN DUTT:** May I rise on a point of information, Sir?

Will the Hon'ble Minister tell us whether it is proposed that in these cases when they are brought before the union bench pleaders and lawyers will be excluded from that place?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Yes, that is the provision in this Bill.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, I have always been very much interested in the advancement of union boards and the extension of their powers and resources, and I have also interested myself in the question of extending the judicial powers conferred by this Act on union boards. But, I must say that under the present circumstances this amendment should be accepted. My reasons for saying this are several. First of all it is necessary to understand precisely what is going to be done by the proposed section 66A. Under section 66 it is provided that notwithstanding anything contained in the Code of Criminal Procedure, 1898, the union board shall have jurisdiction concurrent with that of the criminal court, within the local limits of whose jurisdiction the union is situated, for the trial of all offences in schedule IV, part A, and so on. So that the union bench under that section has a concurrent jurisdiction even now; and under section 66A any complainant can lodge a complaint in any one of the cases covered by the schedule before a union bench, but then the District Magistrate can transfer the case to the regular court. The complainant has now the option to institute a case either before the union bench or before the Magistrate, and there is also a provision for transfer. What section 66A proposes to do is not to enlarge the number of cases in which the union bench can have jurisdiction but to make that jurisdiction exclusive in the case of certain selected union benches. The section says that the Local Government may, by notification, direct, that any union bench mentioned therein—not all union

benches, mind you—notwithstanding anything contained in the Code of Criminal Procedure, 1898, shall have jurisdiction to the exclusion of the criminal court within the local limits of whose jurisdiction the union is situated for the trial of such of the offences specified in schedule IV. So what is taken away in the case of these union boards is the power of the complainant to go to the Magistrate if he so chooses. At present the complainant has the option to go either to the bench or to the Magistrate. This section takes away the option of the complainant to go to the Magistrate in respect of any case which falls within that schedule; but after that there is the power of transferring the case. In the proviso it is stated that the District Magistrate or the Subdivisional Magistrate may at any time transfer any case from any such union bench to another union bench or to any court subordinate to him or to his own file, and that he shall so transfer if he is satisfied that there are good grounds for apprehending that a fair and impartial trial cannot be had before the union bench. So that what it comes to is simply this: in the first place, you are preventing the complainant from going to the Magistrate if he so chooses. No doubt this power will be very sparingly bestowed by Government, and it is only such union benches who have proved their competence and who have established their reputation amongst the villagers for their impartiality as would be considered to be entitled to have this privilege of exclusive jurisdiction. If that is the idea, then I submit that this provision would be unnecessary, because in cases where the people of the village have that amount of absolute confidence in the union bench, they will not care to go to the Magistrate in cases which might as well be tried by the union bench. It is far less expensive and far less troublesome to them to have the cases tried by the union bench. It is only when the complainant will not have that amount of confidence in the union bench that he will go to the District Magistrate. Then looking at it from the point of view of an accused person, the accused under the present law can apply for a transfer of his case from the union bench to the Magistrate under section 66; but he will have that power even under the amended law. Then, where there is exclusive jurisdiction the accused person will have the right of claiming a transfer, but that right is somewhat limited by the words of the proviso. Now, Sir, in developing these self-governing institutions it is of the utmost importance that we should proceed with the confidence of the people—you should have the people on your side. Where that state has been created, I do not think that exclusive jurisdiction will be needed at all. Both the parties will, probably, prefer trial of cases by the union bench. That is one aspect of the question. You are not really carrying matters very much further than what they are without this amendment. On the other hand, there is very great apprehension amongst the people, of which I have had some evidence from people from several villages whom I had the honour to meet recently at Mymensingh and also others who have

met me here, that they entertain the greatest apprehension if this exclusive jurisdiction be given to the union benches. It is perfectly true and it cannot be denied that these union benches have been administering justice in a way which is either satisfactory or unsatisfactory or indifferent according to the calibre of the persons constituting the bench. There are, no doubt, some very good benches; while others are the very reverse of it. Amongst the cases which have been mentioned to me I found that there have been some in which grave injustice has been done by union benches, not necessarily because of the party factions but because of the ignorance of the members of the bench; and that creates a certain amount of apprehension and alarm. And this sense of alarm and apprehension is the last thing we should raise amongst the people by a piece of legislation which seeks to advance self-government in the villages.

Then, Sir, there is another difficulty. It is quite possible that to a certain number of selected union benches the powers may safely be given after great deliberation and after a further consideration of the matter and after a more precise definition of the schedule as well as of the procedure. Looking at the schedule you will find that the offences which are included there in respect of which these specified benches will have exclusive jurisdiction will include many offences, such as for instance, offences under sections 379 and 411 of the Indian Penal Code, *i.e.*, theft and receiving of stolen property, where the value of the property in the opinion of the union bench is not over Rs. 25. Now, Sir, that is a very indefinite definition of the offence. If the union bench assumes jurisdiction by expressing an opinion that the property, which is the subject-matter in dispute, is not valued at more than Rs. 25, it leaves you no loophole whatsoever. If you go to the Magistrate and challenge it as *ultra vires*, the answer is there; and the offence will be triable by a union bench as it has valued the property at Rs. 25, although its real value might be much more than Rs. 125. The union bench is the last authority for the purpose of expressing an opinion as to the value of the suit. On a schedule like this, where the offences transferred to the jurisdiction are so ill-defined, I submit that this exclusive jurisdiction of the union benches should not be made. If it is thought necessary or urgent, I do not think that there is any urgency or any immediate necessity either, to make the jurisdiction of any union bench exclusive, it is first of all necessary to revise the schedule and to specify the offences in such a manner that there can be no mistake as to the extent to which the jurisdiction of these benches extend. Then, secondly, as regards the procedure also there ought to be some definition. There is no rule of procedure which binds the benches at present. They are not bound by the Evidence Act, they are not bound by the Criminal Procedure Code; in fact, they are not bound by any law whatsoever. Well, there may be some sense in

that, if it is really going back to the days of arbitration from the days of the reign of law. But, apart from that, Sir, there is one matter at least with regard to which there ought to be some procedure and that is with regard to the proviso. The proviso gives to the Magistrate jurisdiction to transfer a case. Now, when is that jurisdiction to be exercised and how is a case to be transferred? With regard to the grounds of transfer, what is stated, I submit, are vague and indefinite. It is stated that the Magistrate or the Subdivisional Magistrate may at any time transfer any case from any such union bench to any court subordinate to him or to his own file. I submit, Sir, that this is wholly inadequate as a guidance to the Magistrate. So far as the first part of it is concerned, it leaves entirely to the District Magistrate's discretion without any guidance whatsoever, as to the principles on which the power of transfer is to be exercised. With regard to the other part which makes it obligatory on the Magistrate to transfer, in respect of which the definition ought to have been much more precise, what is stated is that it is only when the Magistrate is satisfied that there are good grounds for apprehension that a fair and impartial trial cannot be had before the union bench, that is to say upon a particular opinion being held by the Magistrate, it shall be obligatory. While it is obligatory on the one hand, the obligatoriness is absolutely wiped off by the other—he shall transfer only when he is satisfied that there are good grounds for such transfer. There is no compulsion on him, unless you put the words in an imperative form. But you have put the wording in such a way that the imperativeness is altogether taken away. Besides that, what is to happen in a case where before the parties can go to the Magistrate, the union bench, which is not bound by any rule of procedure, upon receiving a complaint, sends for the accused and convicts him and fines or imprisons him. In such a case how is the accused going to ask the Magistrate for a transfer of his case? For such cases section 526 of the Criminal Procedure Code provides a remedy which can be followed. Nothing of the sort is found here, so that in order to avoid a transfer, a union bench which is perverse and which is determined to punish the accused person, may quicken up the procedure, finish the whole thing in the course of a day and prevent the poor fellow from going to the District Magistrate for a transfer. In order to prevent that, you ought to have a well-defined rule of procedure compelling the adjournment of the case in order to enable the District Magistrate to express an opinion on the question of transfer.

(At this stage, the member reached the time-limit and had to resume his seat.)

**Maulvi ABDUL KARIM:** Sir, I beg to support wholeheartedly the amendment for dropping clause 28. I am afraid there is risk in.

investing even selected union courts with such powers. It is to be regretted that the majority of the Select Committee members did not realise that the reasons which weighed with them in recommending the dropping of clause 32, equally or rather more forcibly operate in the case of this clause. In one case, it is money which one may afford to lose that is concerned; in the other case it is character without which life would not be worth living that is involved. Knowing as I do the state of things that generally prevails in rural areas, I have reason to believe that conference of such power will make justice suffer a great deal. The educated people of the rural areas mostly reside in urban areas having a professional, commercial or any other career that they may choose to pursue. Consequently those that are generally elected to union boards are half-educated or in some cases uneducated people. It is too much to expect that these people who are often involved in village factions can always rise above corruption and be guided by a sense of fairness and justice. In these circumstances, I believe it would be unwise to invest union courts with such wide powers. I think, Sir, the time has not yet come for the bestowal of such powers.

**Khan Bahadur Maulvi EMADUDDIN AHMED:** Sir, I would only add to what has fallen from other speakers this fact that the members of the union benches have now been authorised to take down depositions in a summary way and practically they have become more powerful than the judges of the higher courts. They record one or two sentences only and then pass the judgment. So, it would be very unwise to give these wide powers to the union benches, and I should implore the Hon'ble Minister to see his way to drop this clause.

**Maulvi ABUL KASEM:** I am one of those unfortunately who is neither enamoured of the lawyer nor of the educated class, as my friend Maulvi Abdul Karim is. I believe that an ordinary cultivator in Bengal has got a strong commonsense, and at the same time can act as well as our educated friends can do. But, Sir, I shall support the motion not to grant exclusive jurisdiction to the union courts not in the interest of the lawyers. I wish that the less we have to do with the lawyer, the better. Then there is another contingency, Sir. Unfortunately, situated as we are in our villages and in our union boards, we have got parties in our institutions. There we imitate and ape at some of the worst characters of European institutions without imitating the best part of them. But none the less we must consider facts as they are. In union courts, there may be parties and there are likely to be parties, and if the one man in power in the union court or the bench—the president—finds such people at least offensive or obnoxious, he will try to punish them by virtue of the power given to

him. I think Dr. Sen Gupta, as an erudite scholar, has pointed out at least the defects and the inconsistencies in the Bill. I have neither the ability nor the desire to do so. I would only say this that if the people themselves choose to be tried by the union benches or by the magistrates, they must be given the option to have their cases taken to the courts of the magistrates. Of course so far as village opinion is concerned, one must have several persons to his side who may be in the good books of the district board. As regards the opinion of the District Magistrate, his opinion is the opinion of the circle officer and not that of the chaukidar. Somebody may be in the good books either of the circle officer or of the local police officer, and, therefore, he can with impunity oppress his co-villagers. It is not my intention to extend those powers. As regards the technical objection raised by my friend, Khan Bahadur Emaduddin Ahmed, that they do not write the details, but summarily finish the cases, I think the summary trials by magistrates, stipendiary or honorary, are also equally bad. But for that reason I do not say, Sir, that our people should be thrown at the present moment at the mercy of the union benches. If the work of the union bench of a particular area is quite satisfactory and it enjoys the confidence of the people, the ordinary villager is not such a fool as to have his case taken to the district or subdivisional headquarters where lawyers will fleece him and where not only the lawyers but also the staff of the court including the judge himself will put him into endless troubles. It is quite natural that he would like to go to the union bench in preference to the court of a magistrate. Sir, the amendment seems to me to be in the interest of the practising lawyers of a lower order, I mean the muktears, but it is also in the interest of a large section of my innocent countrymen On that ground, Sir, I support the amendment.

**Maulvi HASHEM ALI KHAN:** At the outset, Sir, I must say that lawyers have got no particular interest in this matter, as Maulvi Abul Kasem says. Sir, Government also has got no interest in the matter because it does not take away any right from the union board; Government does not want that the right or liberty of the members of the union board should be curtailed. So, I do not understand what interest Government has got in taking away the liberty of the people in case they want to go to the competent magistrates. Why should Government force them to go to the union courts? Dr. Sen Gupta says that power should be conferred on union courts and benches very sparingly, but, Sir, if this amendment is rejected, all the union benches will be conferred the same powers. If any particular complainant wants to take his case to the court of a competent magistrate at the Sadar, I do not find any reason why he should not be given the liberty to do so. As for the union courts and union benches, everybody knows,

Sir, that the members of these benches and courts are not thoroughly acquainted with law. Take, for instance, section 379. Even experienced magistrates cannot fairly and justly decide the questions of title under this section. In that case, Sir, how will these inexperienced men who have got no legal knowledge decide these cases. There is of course the right of the party who will be quite at liberty to file a petition of transfer to the District Magistrate. I know from my personal experience that not even five per cent. of these transfer cases are allowed. Even the High Courts are reluctant to deal fairly with these cases of transfer. The fact is that the higher courts do not like to go against their subordinate officers. When we find that as a matter of fact no right is taken away from the union benches, rather that right is strictly preserved, and only additional power is proposed to be given to the parties concerned to file their complaints either before a competent magistrate or to the union bench, I do not know why this amendment should be opposed by the Hon'ble Minister. I have a mandate, Sir, from my constituency in the mufassal to support this amendment and to oppose Government if it stands in the way of it.

With these words, Sir, I fully support the amendment.

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I would not take much time of the House but say one thing that, as we know the present state of things in the villages, it is not time yet to entrust these union courts with such powers. I also think that the Hon'ble Minister knows fully well the state of things as now prevails in the mufassal. I may remind him that in his district some time ago some people very earnestly appealed to him that there should be some check over the manner in which they were being dealt with by their union courts. I appeal to the Hon'ble Minister in charge that he should drop the section and should not try to invest the union courts with such drastic powers. There is a real apprehension in the minds of the people that proper justice will not be done by the union courts. I wholeheartedly support the proposal that this section should be omitted.

**Mr. B. C. CHATTERJEE:** Sir, my sympathies are with the Hon'ble Minister. India was *par excellence* the country which was governed by village communities, and up to recent dates we know as a matter of history that village communities—the panchayets—had both criminal and civil jurisdiction, and no one would be more glad than myself and men of my view to see the return of those village communities with their ancient powers and jurisdiction to life. But I appeal to the Hon'ble Minister who has undoubtedly personal experience of the state of things now obtaining in the villages. Owing to the consistent and continuous policy of centralization which was pursued by those who governed this country during the last century or so, village

life has become entirely depleted and at the present moment it cannot be denied that we have not got the class of men in villages generally who would be fit to undertake the kind of work, responsible work, which is entailed under this Bill. At the present moment our villages are really stripped of every body who counts for anything in the villages. Unfortunately we have all become absentees from the villages, we have come to live in towns, either big towns or district towns, or subdivisional towns. We know that the Hon'ble Minister's present effort is only part of the general reconstructive effort which he and his Government have undertaken in order to build up our life over again from the villages upwards, but I ask him not to be too much in a hurry. In this particular enterprise on which he has set out, he has shown himself to be a bit of an impatient idealist. I have every sympathy with him. I long to see the day come back when these village union boards will have exclusive jurisdiction, but let him and his Government try and resuscitate village life so as to make it possible for the class of men who would be able to do this work justly to live in villages. At the present moment I do not know how many days the Hon'ble Minister could stick it out in a village. If his supply of ærated water stopped for a day, I think he would have to come back to Calcutta the next day, and there are many other little amenities which have to be developed in the villages before it becomes possible to live in them. It is to a great extent our fault—the fault of every body who deserts his village and comes to live in the towns. But please do not punish the poor villagers who cannot leave the villages for the sins of those who leave them. Those who live in the villages will be subjected to many a hardship if it is made compulsory for them to resort to these courts for justice. In reason there can be no objection to leave the matter to the option of the villagers, and as village life gets better and better, as we have more and more reconstruction, as we have better and better classes of people going back and taking to the village life, I have no doubt the time will come when the percentage of people resorting to village courts will afford the best testimony as to whether the village courts are superior to other courts for the discharge of these functions or not. I ask the Hon'ble Minister to wait for further data, just to see from his statistics as to what the percentage of resorts to village courts is as against those to the courts outside the villages. If and when the percentage gets more in favour of resorting to village courts, I have no doubt that the Hon'ble Minister will bring on such a Bill and we shall welcome it and pass it. But at the present moment I have made inquiries and found that the people are really terrified at the prospect which faces them in the event of the Bill getting passed into law. I don't know that I need take serious notice of Mr. Abul Kasem's fling at the lawyers. I despair to think what men like Mr. Kasem would have done in this country but for the lawyers. I am not ashamed of being a lawyer myself. I belong to

the profession which produced in England men like Selden, Coke and others who built up England's liberties, and I do hope that history will bear out that lawyers in India have not been a mean body of people. My appeal to-day, however, is to the Hon'ble Minister to drop this proposal and restore peace to the village folk.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

**Maulvi ABUL QUASEM:** Sir, I rise to give my wholehearted support to this amendment. In doing so however I must admit that Government is inspired with the best of intentions, but I believe that what Government proposes to do is not possible of realisation at the present time. Conditions in the villages do not justify the introduction of such a measure. To be called upon to do justice between man and man is a very sacred and responsible trust. It requires a judicial frame of mind, that is to say, absolute freedom from any bias, prejudice or pre-conceived notion and a genuinely conscientious desire to do justice on the real merits of the case. This judicial frame of mind is now totally absent in most of the village people who are called upon to sit on these union benches and courts. In one case I accidentally happened to be present when a bench was about to sit and I found one member to be violently expressing himself against a party. I mildly remonstrated with him but the member got offended and angrily asked me to mind my own business. You should not only do justice but let the people also feel that justice is being done. We have got to recognise the sad fact that in the villages party spirit does prevail in a very aggravated form, and it is very easy to bring a man who is considered your enemy to book by setting the machinery of the union court in motion against him. The effect of accepting the proposal of Government would be that poor people who might have the misfortune of incurring the displeasure of some influential men might be hauled up before the village courts, without any option of being tried in the ordinary courts.

Then, Sir, one very important thing has been hinted at and that is this: that there is no power given under the Act to have the proceedings watched by lawyers or to bring forward a petition for the transfer of a case to the regular courts. Such a provision finds a place in the Criminal Procedure Code and I do not know why this provision should be absent from this Bill. I think, therefore, that in the interest of justice, and, what is more, in the interest of peace in the villages Government should hesitate before they try to force such a measure on the country at this time. With these words I support the amendment for the deletion of clause 28.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Mr. President, Sir, the speech that we have just listened to is a wholesale condemnation of the system of village self-government and if we have to accept even half of the allegations that have been so light-heartedly made on the floor of the House this afternoon the system of village self-government should at once be abolished. I hold a more optimistic view of the progress of village self-government than most hon'ble members in this House, and I think I am not in any way less connected with the villages than any member here, and I am prepared to say that village self-government has made a satisfactory advance during the last few years. The policy of the Government and the policy of the legislature should be to trust the villages and the union boards and they will display a proper sense of responsibility. Sir, this amendment was suggested by the Civil Justice Committee and Government supporting their recommendations have put this provision in the Bill. In fact there are similar provisions in the Acts of other provinces. In the United Provinces, in the Punjab and in Bihar and Orissa the village union boards and chaukidari unions have been entrusted with similar powers. Accordingly I would ask the House to consider and carefully analyse this proposal in the Bill. This exclusive jurisdiction is going to be conferred only on selected union boards The power will be conferred by a notification issued by Government. They will not confer this power on union boards without having the considered opinion of the local officers, and in issuing the notification they will naturally avoid the more serious offences and limit their power to minor offences only. Moreover, the proviso in the Bill which has been recommended by the Select Committee is in my opinion sufficient safeguard against the misuse of powers by the union benches. But in view of the fact that there is practically a unanimity of opinion among the non-official members of this House in favour of the amendment for the omission of this clause Government out of deference to their wishes are prepared to accept the amendment.

Mr. Narendra Kumar Basu's motion was put and agreed to.

**Mr. PRESIDENT:** All the motions under clause 28 fail and need not accordingly be put.

*Clause 29.*

The question that clause 29 stand part of the Bill was put and agreed to.

*Clauses 30, 31, 32.*

The motion that clauses 30, 31 and 32 stand part of the Bill was put and agreed to.

*Clause 33.*

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I beg to move that in clause 33, in line 3, for the words "evidence taken in" the words "evidence is taken in" be substituted.

It is only a verbal amendment, Sir, and I need not make a speech on it.

The motion was put and agreed to.

The motion that clause 33, as amended, stand part of the Bill was put and agreed to.

*Clauses 34, 35, 36.*

The question that clauses 34, 35 and 36 stand part of the Bill was put and agreed to.

*Clause 37.*

**Babu SATISH CHANDRA RAY CHOWDHURY:** I beg to move that in clause 37, in proposed section 100C, in the penultimate line for the word "reconstitute" the word "constitute" be substituted.

I think the word should be "constitute" and not "reconstitute". It is merely a question of the proper language to be used and I am simply drawing the attention of the Hon'ble Minister to it.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Government oppose this amendment because they want to retain the right of "constituting" and the Commissioner can only "reconstitute" it if he thinks it necessary. I oppose the motion, Sir.

**Babu SATISH CHANDRA RAY CHOWDHURY:** I beg leave to withdraw my motion.

The motion was then by leave of the House withdrawn.

*Clauses 37, 38, 39.*

The motion that clauses 37, 38 and 39 stand part of the Bill was put and agreed to.

*Clause 8.*

**Mr. PRESIDENT:** The House will remember that discussion of clause 8 was put off; I shall take it up now.

**Rai Bahadur SATISH CHANDRA MUKHERJI:** May I also move my amendment No. 20: I am afraid perhaps I cannot.

**Mr. PRESIDENT:** No, sanction has not been received.

**Rai Bahadur SATISH CHANDRA MUKHERJI:** So I must confine myself to No. 18.

I beg to move that clause 8 (proposed sections 17A, 17B and 17C) be omitted.

Sir, the object of this section and the three sections 17A, 17B, and 17C is to take away the jurisdiction of civil court in the matter of election. The Select Committee has made his improvement that the District Magistrate's decision will be subject to the revisional jurisdiction of the Commissioner within 30 days but the question is whether this amendment of the Select Committee satisfies the public opinion and public requirements. Sir, I might remind the House that in the case of municipal elections the House for the first time took away the judisdiction of the civil courts but after great deliberation it created a special tribunal to decide such matters. That Special Tribunal is the District Judge or such subordinate officers of his, whether a munsif or a subordinate judge, as might be chosen by him. Sir, I might at once tell the House that the feeling in the country is that they do not like that the executive should decide these things and that election petitions should be heard by executive officers themselves. Nomination papers for election to union boards are scrutinised by circle officers and the rules framed by Government under section 101 say that the decision of the circle officer shall be final, and we cannot expect the decision of the circle officers to be uniform even. After the decision of the High Court as regards the qualification of members which has just been removed by the new provision in the Bill, in regard to the union board election which are going on in my district some circle officers have removed pleaders while others have left them in their

places. So that it will be seen that there is no uniformity in their decision. It all depends on the mentality of the circle officers and on their prejudice or otherwise in regard to this person or that; at least that is my information. So the popular feeling in the country is that the civil courts should never be allowed to lose their jurisdiction, as people have an abiding faith in the decisions of the civil courts. Therefore, Sir, the question is that in the interests of the administration of justice and the purity of the elections, it is quite meet and proper that the jurisdiction of the civil courts should be kept intact. Furthermore, I might add that if the jurisdiction of the civil courts maintained, it would save a lot of time, money, and energy. I would presently explain what I mean. In every election happening in any subdivision of any district the tribunal proposed to be created by the new Bill is the District Magistrate himself. Therefore, in respect of any elections to a union board situated in the remotest part of a district the parties will have to go to the District Magistrate with their witnesses. It will mean waste of money, and, probably, the inability of the parties to fight out the matter. But if the jurisdiction of the civil courts is maintained, a suit might be tried by the subdivisional munsiff at very little cost and without any unnecessary delay, because judicial officers give preference to these election disputes. Therefore, on the grounds of convenience of parties, question of expenditure, and faith in the administration of justice, I would submit to this House that the jurisdiction of the civil courts should not be taken away. We all know that the District Magistrate is a very busy officer, and with the progress of time and, as the Hon'ble Minister has just said, the union boards are daily growing in importance—you will find that the elections will be contested everywhere—in every union in every district. So, it is reasonable to presume that when these matters are assuming great importance in this country, these disputes will increase considerably in times to come. Therefore, whether it is reasonable to invest the District Magistrate with exclusive jurisdiction to hear these appeals and thus delay the matter—as the elections will be held over for a pretty long time and as the work of the District Magistrate will increase by leaps and bound—is a matter for the consideration of the House. I would, therefore, oppose this provision in the Bill, and would request the Hon'ble Minister to see, whether having regard to all the circumstances, the jurisdiction of the civil courts should be taken away.

**Mr. MUKUNDA BEHARY MULLICK:** Sir, I beg to move that in clause 8, proposed section 17A be omitted.

Sir, you know very well that up-to-date the civil courts have jurisdiction to try suits that arise out of the elections under the Bengal Village Self-Government Act. We have not been able to assign any

reason why Government should have felt so very nervous over the civil court's jurisdiction in regard to these disputes. There is no reason—at any rate we have not been able to find any—why the civil courts should be distrusted so far as this power of theirs is concerned. It, also, appears that these disputes do not arise often; in fact, they are very rare; but when they do arise, it is only desirable that they should be settled and decided finally by courts which have experience about matters of law and which are presided over by judges or judicial officers who have got better training in Law than others whom Government desire to vest with the power of deciding these disputes.

Now, Sir, so far as this particular clause is concerned, you will be pleased to find that Government want to take away the jurisdiction from the civil courts absolutely. If that be the position, as has been explained by my friend Rai Bahadur Satish Chandra Mukherji, there will be a considerable amount of confusion in the country. If that is the situation, Sir, without advancing any further arguments, I would request the Hon'ble Minister to accept this amendment and delete this particular provision of the Bill.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Sir, I want to take part in this debate. Clause 17A is divided into two parts. Practically, one part says that no election of a member of the union board shall be called into question in any court of law: that is the first part. The second part is that no court of law shall grant an injunction under any circumstances. Of these two parts the first part is very very important. We do not like to take away the jurisdiction of the civil courts for all purposes. If the first part is deleted, so far as I am concerned I would not object seriously to the retention of the latter. My reason is this, that the first part wants to take away the jurisdiction of the civil courts for all purposes, whereas the second part proposes to prevent interference, unnecessary and extreme interference, on the part of the court with the election as it progresses or goes on. Now, Sir, we are prepared to agree with the Hon'ble Minister that during the progress of election a court should not be allowed to come in and intervene and so prevent the election taking place or postpone the election of a member of a union board, or prohibit a person, declared to have been duly elected under this Act from taking part in the proceedings of a union board, or prohibit the members formally elected or appointed for a union board from entering upon their duties. There would be no harm in my view resulting from such modification. It would not prevent expediting election. Secondly, it would, when the election is over, also allow the work of the board to go on without there being any check from any outside authority. So far as that is concerned, the reason is very apparent.

I, for one, do not feel any difficulty in agreeing to it, provided the first part is deleted. The first part seeks to do away with the jurisdiction of the civil courts for all purposes. My submission is that generally the people have far greater faith in justice as dispensed by civil courts than by the executive and the right of franchise is a very valuable right and is regarded as such by the public in general. If the exercise of this right does not bring money into one's pocket, at least it is well known that people are prepared to spend a lot in fighting these elections and the keener the contest the more money is spent and the larger number of people take interest in these election matters. Keen contest in election is held to be a sign of political consciousness and it shows that it is a very valued right—the right of franchise which is granted under the law. Now, Sir, if there is anything wrong in the voters' list or during the election the wrong person is elected on account of votes which are not rightly recorded, certainly it is as much in the interest of the defeated candidate as it is in the interest of the rate-payers in general to set the matter right by appealing to the civil courts; and anybody having a real interest in public affairs will not hesitate to incur the necessary expense in going to the civil court and having his right established there. That, Sir, is one consideration.

Sir, the second consideration is whether a decision or an order of revision by the Magistrate or the Commissioner is sufficient to meet the purpose in view. My humble submission is that these election disputes involve very intricate questions of law, and interpretation of statutes. It is well known that unless a judge has got long training and experience in such matters he is unable to interpret the law correctly. It is for this reason that we find that in the case of disputes relating to election to the legislature the law provides tribunal consisting of experienced Judges. Then the matter goes to the High Court which is the highest tribunal in the land and ought to be held to be competent to pronounce a final judgment on the question of interpretation of statutes. There is a recent case reported in the current volume of the "Calcutta Weekly Notes" which shows how an erring magistrate was set right on a point of law regarding an election to a union board, by the Hon'ble Judges of the High Court. That case ought to be an eye-opener to everybody. Magistrates are as often as not liable to err on this question of interpretation. I submit, Sir, that it is a very important point even looked at from the point of view of Government. Only yesterday we saw how with regard to a particular amendment there were opposing views and both these views certainly had very strong grounds to be based upon. These questions, they are to be if left under the proposed amendment of the Bill to the magistrate, the result will be two-fold. First of all, we shall not have a pronouncement from the highest judiciary regarding the actual construction that ought to be put on the language of the statute.

Secondly, different magistrates may come to different findings on the same question of law and there would be none to correct or check them. Therefore the decisions will be different. If the matter is carried to the judicial tribunal and that tribunal gives a decision on the matter, the Government and the legislature will be guided by the pronouncement or the judgment of the highest tribunal and will amend, if necessary the law on the point in order to bring it into line with common-sense and also into line with the general intention underlying the legislation. Whether the matter is looked at from the point of view of the right of the people or whether it is looked at from the point of the legislature and the Government, I think that there can be no two opinions that the existing law ought not to be interfered with and the right of appeal to the civil courts ought not to be taken away from the people who should not be driven to the decision of the magistrate. Sir, I do not intend to cast any slur on the magistracy; but having regard to the large amount of work they have to do and having regard also to the fact that these questions do not often come before them, I submit that these are considerations which ought not to be brushed aside. I think, Sir, that the questions relating to election disputes ought not to be decided by magistrates. Sir, whenever we the lawyers bring anything before the House, there are some who say that this has been brought by the lawyers with a motive behind them. But I say, Sir, that the people who will suffer most are those who have got to spend money to fight elections in order to have the opportunity to render public service, and it is not a rare experience that often times the best men are shut out, men who will be most serviceable to public institutions. They are shut out by combinations, by wrongful means, and all that. So, it is not only from the point of view of the lawyer alone, but also from the point of view of others as well, and from the point of view of safeguarding the rights and privileges of the people that the doors of the courts of justice should not be closed to those who want to seek remedy, and that remedy at their own cost and not at the cost of anybody else. All that can be done is to provide that there may not be any frivolous applications before civil courts. Sir, the civil courts have the power to check frivolous applications because the losing parties are saddled with costs. You may include some safeguards, but to deny justice to such men is certainly a thing which ought not to be done at a time when everybody is conscious of his own rights and privileges, when everybody is willing to safeguard his own interest and when everybody is anxious to render public service to his country and to his community. For all these reasons, Sir, I would ask the Hon'ble Minister to seriously consider whether he should not omit this particular portion of the clause. It is his intention certainly to advance and not to retard the growth of local self-government. In that light I would ask him to seriously consider whether he should not delete the first part of the clause,

namely, that no election of a member of a union board shall be called in question. If he agrees with us on that question not to shut out the doors of the courts of justice, I think the second part of the clause may be accepted.

## Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 20th February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 20th February, 1935, at 3 p.m.

## Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 97 nominated and elected members.

## Oaths.

The following members took an oath or affirmation of their allegiance to the Crown:—

(1) Mr. H. G. Cooper.

(2) Mr. Thomas Lamb.

## STARRED QUESTIONS

(to which oral answers were given).

### Distilleries for sugar mills in Bengal.

***24. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that Java prices of sugar have come down appreciably?

(*b*) Are the Government considering the desirability of granting permission for installing distilleries more liberally to enable sugar mills in Bengal to work at a profit?

**MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):** (*a*) Yes.

(*b*) One firm of sugar manufacturers has recently applied for permission to instal a distillery and Government have granted permission to the firm to start a distillery for the manufacture of denatured spirit. The question of granting permission to other sugar manufacturers to instal distilleries will be considered if and when applications are received.

**Public Prosecutor of Mymensingh.**

*25. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) is it not a fact that the district of Mymensingh is the biggest and one of the most important districts in respect of criminal administration;

(*ii*) is it not a fact that the number of crimes, especially triable by Sessions Courts in this district, is the largest in the province;

(*iii*) whether it is a fact that the Crown has to consult the Public Prosecutor in intricate matters regarding criminal administration of a district;

(*iv*) whether the present Public Prosecutor Khan Bahadur Maulvi Sharfuddin Ahmed is on probation until February, 1935; and

(*v*) whether Khan Bahadur Maulvi Muhammed Ismail, a senior criminal lawyer, was removed from his office as Public Prosecutor by Government and the present Public Prosecutor Khan Bahadur Maulvi Sharfuddin, comparatively a junior, was appointed in his place?

(*b*) If the answer to (*a*) (*v*) is in the affirmative, what was the reason for the sudden removal of Khan Bahadur Maulvi Muhammad Ismail?

(*c*) Was any application invited or any publicity of the vacancy given at the time of the appointment, on probation of Khan Sahib (now Khan Bahadur) Sharfuddin Ahmed? If not, why not?

(*d*) Is the Hon'ble Member aware that there are instances in which important appeals and political cases tried by tribunals were entrusted on the recommendation of police authority, to other pleaders in preference to the Public Prosecutor (Khan Bahadur Sharfuddin Ahmed)?

(*e*) Has the Hon'ble Member any report from the local police authority that they are not satisfied with the work done by the present Public Prosecutor?

(*f*) Was Mr. R. F. Lodge, I.C.S., the then District and Sessions Judge of Mymensingh, consulted in selecting the Public Prosecutor?

(*g*) If so, did he recommend Khan Sahib (now Khan Bahadur) Sharfuddin for the post?

(*h*) If the answer to (*g*) is in the negative, will the Hon'ble Member be pleased to state whether Mr. R. F. Lodge recommended any other candidate and if so, the reasons for giving preference to Khan Bahadur Sharfuddin?

(*i*) Whether Mr. R. F. Lodge, the late District Judge, and Mr. S. Banerjee, I.C.S., late District Magistrate, Mymensingh, made any reports against the efficiency and competency of the Public Prosecutor Khan Bahadur Maulvi Sharfuddin?

(*j*) Has the attention of the Government been drawn to the deposition of Khan Sahib Maulvi Mofizuddin Ahmed, Inspector of Police, D. I. B., made on 27th March, 1934, before the Commissioners in the inquiry against Mr. S. C. Ghatak, late District Magistrate, Mymensingh, making most serious and damaging allegations against the present Public Prosecutor (Khan Bahadur Sharfuddin)?

(*k*) The present Public Prosecutor being also the Chairman of the district board, is the Hon'ble Member considering the desirability of taking such steps as will prevent these two most important functions of the district from combining in the same person in the interest of efficient and successful administration of the Public Prosecutor's functions?

(*l*) Will the Hon'ble Member be pleased to state whether the Government have decided against the confirmation of Khan Bahadur Maulvi Sharfuddin in his post as Public Prosecutor?

**MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter):** (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*iv*) No. His present appointment for a term of 3 years expires in February, 1935.

(*v*) Yes.

(*b*) The inadequate discharge of his duties as Public Prosecutor

(*c*) No. It is not the practice to invite applications for such posts.

(*d*) No, the distribution of such cases is made by the District Magistrate at his discretion in such manner as he may consider convenient.

(*e*) No.

(*f*) Yes.

(*g*) Government are not prepared to disclose the information which is of a confidential nature.

(*h*) Does not arise.

(*i*) Government are not prepared to disclose the reports of the local officers which are of a confidential nature.

(*j*) Certain allegations were made but Government are not at present prepared to express any opinion thereon.

(*k*) The matter is under consideration.

(*l*) No question of confirmation arises [*vide* answer to (*a*) (*iv*)].

**Maulvi ABDUL HAKIM:** With reference to (*a*) (*iv*), may I ask whether he will again be appointed after the expiry of his present term in March next?

**The Hon'ble Sir BROJENDRA LAL MITTER:** I have not the least idea.

**Maulvi ABDUL HAKIM:** With reference to answer (*j*), will the Hon'ble Member be pleased to state whether these statements had any relation to his moral character?

**The Hon'ble Sir BROJENDRA LAL MITTER:** My answer was that Government were not prepared to disclose the information.

**Mr. NARENDRA KUMAR BASU:** Is not this Inspector Mofizuddin Ahmed the same man who was mulcted in damages in a civil court for having extorted money in Tangail?

**The Hon'ble Sir BROJENDRA LAL MITTER:** I have no information.

### Fishery rights.

***26. Babu AMULYADHAN RAY:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the second session of the Bengal Scheduled Castes' Conference presided over by Rai Sahib Panchanan Barma on the 7th and 8th October, 1934, passed a resolution requesting the Government to introduce a Bill in the Council regarding fishery rights to protect the interests of the fishermen?

(*b*) If the answer to (*a*) is in the affirmative, are the Government prepared to take any action in the matter?

**MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter):** (*a*) Yes.

(*b*) No.

### Civil disobedience prisoners in the Midnapore Central Jail.

***27. Maulvi ABDUS SAMAD:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) whether it is a fact that the civil disobedience prisoners at present in the Midnapore Central Jail are being treated like ordinary convicts;

(ii) whether it is a fact that the civil disobedience prisoners in the said jail have been put under the charge of ordinary convict warders;

(iii) whether the civil disobedience prisoners are made to stand in files like ordinary convicts at the time of bathing; and

(iv) whether it is a fact that about two months ago a number of the civil disobedience prisoners were punished with bar-fetters and standing handcuffs for having protested against this treatment?

**MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Mr. R. N. Reid):** (i) Yes.

(ii) No. They are in charge of paid warders.

(iii) Yes, in accordance with Jail Code Rule 650.

(iv) No. Certain civil disobedience prisoners were punished with bar-fetters about two months ago, for refusing to wear identification tickets.

**Political prisoners in the Midnapore Central Jail.**

*28. **Mr. P. BANERJI:** (a) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to lay a statement on the table showing—

(i) the number of Division III political prisoners now in the Midnapore Central Jail;

(ii) how many of them are civil disobedience prisoners; and

(iii) how many of them are prisoners in connection with the terrorist crimes?

(b) Is the Hon'ble Member aware—

(i) that from August 3rd, 1934, these political prisoners have been segregated and confined in punishment cells;

(ii) that the cells are dark, unhealthy and quite unfit for habitation; and

(iii) that most of these prisoners are losing weight, strength and getting diseased?

(c) Is it a fact that these prisoners are neither taken to the hospital for treatment nor are they given full hospital advantage?

(d) Is it also a fact that the supply of water for washing, bathing and other purposes is insufficient, and that letters from outside are withheld?

**The Hon'ble Mr. R. N. REID:** (*a*) There are 67 terrorist prisoners, and six prisoners convicted of civil disobedience offences combined with violence.

(*b*) (*i*) Yes, but for reasons of security and segregation, and not as a punishment.

(*ii*) No.

(*iii*) No; on the contrary, the majority have gained in weight.

(*c*) No. They receive such treatment as is necessary in their cells and are removed to hospital when seriously ill.

(*d*) It is not a fact that the water supplied to them is insufficient and the prisoners themselves have never made any complaint on this score. As regards letters, these prisoners are subject to the ordinary Jail Code rules.

**Mr. NARENDRA KUMAR BASU:** With reference to (*b*) (*iii*), having regard to the fact that the majority of prisoners who are confined in punishment cells gained in weight, is the Hon'ble Member considering the desirability of putting all the prisoners in punishment cells?

**The Hon'ble Mr. R. N. REID:** There are not enough punishment cells to go round. (Laughter.)

### Firing by the police at Kendua near Suri (Birbhum).

*29. **Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) whether it is a fact that on the night of the 5th August, 1934, four men proceeding along the high-way at Kendua near Suri (Birbhum) were fired at by a party of police men from the adjoining Reserve Police Barracks; and

(*ii*) whether one of the men died the next morning in hospital and another was seriously injured in the head?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what were the reasons for the firing; and

(*ii*) whether any inquiry has been held on the matter?

(*c*) If there has been an inquiry into the matter, what is the result of the inquiry?

**MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid):** (*a*) (*i*) A party of five men were fired at as they came out of a bye-lane in the village at about 1 a.m., on the 6th August.

(*ii*) Yes.

(*b*) (*i*) On the 5th night, two men from Suri came to the village with a letter for one Brojogopal Goswami, whose house, they had been told, was near that of one Bahuballav Goswami. They carried a lantern with them and on reaching the place called out Bahuballav Goswami. The latter mistook them for dacoits and ran to the Police Lines where he requested immediate police assistance. The police responded and went to the village accompanied by Bahuballav. They met a party of men coming out of a bye-lane, carrying a lantern, whom Bahuballav pointed out as the dacoits, identifying them by the lantern. The men then attempted to run away thus confirming the story given to the police by Bahuballav. In the confusion a constable fired a shot injuring one who later expired, while another was hit on the head with a *lathi*.

(*ii*) Yes.

(*c*) Government were not satisfied that the firing was justified and departmental action has been taken in respect of those found to be at fault. Compensation has been awarded to the family of the deceased and to the injured man.

**Mr. NARENDRA KUMAR BASU:** Why were not these men put on trial in a court of law?

**The Hon'ble Mr. R. N. REID:** Because there was no reason to suppose that they acted otherwise than in good faith.

**Mr. NARENDRA KUMAR BASU:** Is the Hon'ble Member aware that there is a provision in the Bengal Code that even when a person fires and kills a man in good faith by a rash and negligent act, he is liable to punishment under the law?

**The Hon'ble Mr. R. N. REID:** I am prepared to take Mr. Basu's word for that.

**Mr. NARENDRA KUMAR BASU:** Were the men who came out of the Police Lines all constables or were there any superior officers with them?

**The Hon'ble Mr. R. N. REID:** There were an Inspector and a Sub-Inspector of Police.

**Mr. NARENDRA KUMAR BASU:** Did they fire under the orders of the officers?

**The Hon'ble Mr. R. N. REID:** No Sir.

**Mr. NARENDRA KUMAR BASU:** Are the police entitled to carry firearms when called out in such cases?

**The Hon'ble Mr. R. N. REID:** Oh! yes.

**Dr. NARESH CHANDRA SEN GUPTA:** Are the police entitled to fire without a firing order being given by an officer?

**The Hon'ble Mr. R. N. REID:** No, not in ordinary circumstances.

**Government grant to district board for payment of teachers.**

***30. Maulvi ABUL QUASEM:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the Government grant for increasing the pay of trained and untrained teachers of the schools in the Khulna district for the current year has not yet been received by the Khulna district board; and

(*ii*) that the teachers concerned are suffering in consequence?

(*b*) Is the Hon'ble Minister aware that the Government grant for the current year for the maintenance of 7 Board's schools, 50 Panchayati schools and 7 Girls' schools in the district of Khulna has not also been received by the Khulna district board?

(*c*) Why is the payment of the grants being delayed till the end of the year?

(*d*) When will it be made?

(*e*) Is the Hon'ble Minister considering the desirability of taking steps to make the grants available to the district board so that payments may be made to the teachers concerned regularly and punctually throughout the year?

**MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble M. Azizul Haque, Khan Bahadur):** (*a*), (*b*) and (*d*) The grants were distributed by the Director of Public Instruction in the last week of January, 1935.

(*c*) The delay was due to the late submission by certain other district boards of the estimates of their requirements in respect of these grants.

(*e*) It is hoped that it may be possible to arrange at any rate for the earlier payment in future of the grants referred to in (*b*).

**Maulvi ABUL QUASEM:** With reference to (*c*), will the Hon'ble Minister be pleased to explain why the delay on the part of certain district boards to submit estimates of their requirements should cause delay in paying other district boards who had submitted their estimates in time?

**The Hon'ble M. AZIZUL HAQUE, Khan Bahadur:** It is obvious that the limited grant which has been sanctioned by the Council with reference to the need of primary education should be distributed equitably and without getting the estimates from all district boards Government would not be in a position to see whether it would be possible to meet the requirements of all.

**Maulvi ABUL QUASEM:** Will the Hon'ble Minister be pleased to explore the means by which district boards may be paid a little earlier?

**The Hon'ble M. AZIZUL HAQUE:** I am exploring the possibility of making earlier payments. This is all I can say.

### Abduction cases in Bengal.

***31. SETH HUNUMAN PROSAD PODDAR:** (*a*) Is the Hon'ble Member in charge of the Police Department considering the desirability of—

(*i*) collecting the figures concerning the number of abduction of women in Bengal and other provinces of India during the last three years; and

(*ii*) making a statement as to the number of abduction cases per million people in Bengal and other provinces of India?

(*b*) What are the reasons for the large number of such crimes in Bengal?

(*c*) Are the Government considering any special measure for the suppression of these crimes in Bengal?

(*d*) If the answer to (*c*) is in the affirmative, what are they?

(*e*) Has the attention of the Hon'ble Member been drawn to the report of the abduction of some Hindu girls in the Midnapore district?

(*f*) If the answer to (*e*) is in the affirmative, on what date and at what time did the abduction of those Hindu girls, particularly of Sivani and Abala, in the Midnapore town, take place?

(*g*) Have the girls been traced by the police?

(*h*) What steps have the police taken to trace the girls?

(*i*) How many cases of crimes against women have taken place in the town of Midnapore and in the Midnapore district, respectively, since the curfew order has been enforced?

(*j*) What were the corresponding number of cases for these areas for the same period before the enforcement of the curfew order?

(*k*) Are the Government aware of a public feeling that exists—

(*i*) that the curfew order restraining the Hindus from going out at night makes it difficult for them to trace out the kidnapped girls; and

(*ii*) that the hooligans of Midnapore are emboldened in their attempts at kidnapping the defenceless women especially after sunset?

**The Hon'ble Mr. R. N. REID:** (*a*) (*i*) A statement showing the number of cases of abduction in Bengal for the three years ending in 1933 is laid on the table. Similar figures for other provinces and other years are not available.

(*ii*) The number of cases per million were 11·2 in 1931, 11·2 in 1932, and 10·9 in 1933. The information regarding other provinces is not available.

(*b*) Government are not prepared to pronounce a final opinion on the subject.

(*c*) and (*d*) Government are considering the desirability of amending the Whipping Act to provide for whipping in certain classes of offences against women. Statistics showing the number of such offences have been collected and official and non-official opinions have been obtained

(*e*) to (*h*) Sivani Dasi eloped with one Mirza Khadem about two years ago. Ten days after her elopement she was brought back to her husband who agreed to take her back but she refused to live with her husband and went back to Khadem. Six months after she left Khadem and is since untraced.

Amala Dasi and not Abala, as stated in the question, eloped with Mohammad Ashabuddin about five months ago and is now untraced. Another girl Saraswati Dasi eloped with Surja Pal and Nanda Singh some time ago and then lived at Midnapore as a prostitute and is now untraced.

(*i*) None in the town of Midnapore; 7 in the Midnapore district (from October, 1933, to November, 1934).

(*j*) None in the town of Midnapore; 6 in the Midnapore district (from October, 1932, to October, 1933).

(*k*) No.

*Statement referred to in reply to Starred Question No. 31 (a) (i).*

| Year. | Offences under the sections of the Indian Penal Code. | Number of cases reported | Number of cases sent up for trial. | Number of persons sent up for trial and the community to which they belong. | | | | Number of women offended against and the community to which they belong. | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Hindus. | Muhammadans | Others | Total | Hindus. | Muhammadans. | Others. | Total. |
| 1931 .. | 366 | 549 | 318 | 194 | 795 | 2 | 991 | 162 | 304 | 3 | 469 |
| | 366A | 11 | 11 | 24 | 4 | . | 28 | 10 | 1 | . | 11 |
| | 366B | | | | | | | | | .. | |
| | 367 | 5 | 4 | | 12 | | 12 | | 4 | .. | 4 |
| 1932 .. | 366 | 557 | 348 | 293 | 868 | 3 | 1,164 | 142 | 313 | | 62 |
| | 366A | 7 | 6 | 9 | 9 | | 18 | 2 | 4 | .. | 6 |
| | 366B | .. | .. | | | . | .. | . | . | .. | . |
| | 367 | 1 | 1 | .. | 5 | | 5 | | 1 | | 1 |
| 1933 .. | 366 | 535 | 295 | 208 | 716 | 3 | 927 | 137 | 276 | 6 | 419 |
| | 366A | 10 | 9 | 6 | 16 | . | 22 | 2 | 7 | .. | 9 |
| | 366B | .. | . | . | | . | | | .. | | .. |
| | 367 | 2 | 2 | | 3 | | 3 | .. | 2 | .. | 2 |

*Statement referred to in reply to Starred Question No. 31(a) (i).*

| Year. | Offences under the sections of the Indian Penal Code. | Results of trials. | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Number of cases ending in— | | Number of persons convicted and the community to which they belong. | | | | Number of persons acquitted or discharged and the community to which they belong. | | | |
| | | Conviction. | Acquittal or discharge. | Hindus | Muhammadans. | Others | Total. | Hindus. | Muhammadans. | Others. | Total. |
| 1931 .. | 366 | 79 | 234 | 48 | 133 | . | 181 | 127 | 592 | 2 | 721 |
| | 366A | 6 | 5 | 7 | 4 | . | 11 | 17 | .. | .. | 17 |
| | 366B | . | .. | | | .. | | .. | .. | .. | .. |
| | 367 | 1 | 3 | | 5 | .. | 5 | .. | 7 | .. | 7 |
| 1932 .. | 366 | 96 | 370 | 31 | 193 | 2 | 226 | 259 | 639 | 1 | 899 |
| | 366A | 5 | 1 | 4 | 3 | . | 7 | 5 | 6 | .. | 11 |
| | 366B | .. | . | | .. | .. | .. | .. | .. | .. | .. |
| | 367 | 1 | | . | 5 | . | 5 | .. | .. | .. | .. |
| 1933 .. | 366 | 96 | 204 | 30 | 181 | .. | 231 | 151 | 521 | 5 | 677 |
| | 366A | 3 | 6 | 3 | 2 | . | 5 | 3 | 15 | .. | 18 |
| | 366B | . | | . | | | | . | . | . | .. |
| | 367 | 1 | 1 | . | 1 | . | 1 | . | 2 | .. | 2 |

**Mr. NARENDRA KUMAR BASU:** With reference to answers (*c*) to (*h*), was there any judicial enquiry into this matter?

**The Hon'ble Mr. R. N. REID:** Not that I am aware of.

**Mr. NARENDRA KUMAR BASU:** Then how did he arrive at the conclusion that these women were eloped and not abducted?

**The Hon'ble Mr. R. N. REID:** From reports received from suitable sources.

**Mr. NARENDRA KUMAR BASU:** Was any information given to the police in these cases?

**The Hon'ble Mr. R. N. REID:** I must ask for notice.

**Mr. NARENDRA KUMAR BASU:** If there has been any judicial enquiry and if the Hon'ble Member is not aware whether there was any police report in these cases, may I ask the Hon'ble Member for his source of information that these women eloped?

**The Hon'ble Mr. R. N. REID:** The information on which I based my answer was received from the District Magistrate.

**Mr. NARENDRA KUMAR BASU:** With regard to (*c*) and (*d*), are Government considering the desirability of sterilization in these cases?

**The Hon'ble Mr. R. N. REID:** We have not yet reached that point, Sir.

**Babu SATISH CHANDRA RAY CHOWDHURY:** May I ask when is the intention of Government to amend the Whipping Act going to materialise?

**The Hon'ble Sir BROJENDRA LAL MITTER:** The question is under consideration, and Government have not yet come to a decision whether they will bring in a Bill for amending the Whipping Act.

**Babu SATISH CHANDRA RAY CHOWDHURY:** Is there any other alternative proposal before Government, failing the amendment of the Whipping Act?

**The Hon'ble Sir BROJENDRA LAL MITTER:** Not that I know of.

## UNSTARRED QUESTIONS

### (answers to which were laid on the table)

### Managers of Court of Wards estates.

**9. Babu SUK LAL NAG:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the estates under the Court of Wards are managed by the Government directly?

(*b*) Is it not a fact that the Managers placed in charge of those estates are mostly recruited from the retired Government officials?

(*c*) Will the Hon'ble Member be pleased to state the special reasons why the officers retired from Government service are deemed competent for managing zamindari estates or holding any such responsible post?

(*d*) Are the Government considering the desirability of employing experienced non-officials in charge of the Court of Wards estates?

(*e*) Has the Hon'ble Member considered the point that such appointments of non-officials will have the effect, to a certain extent, of solving the unemployment problem?

**The Hon'ble Sir BROJENDRA LAL MITTER:** (*a*) No, but their management is supervised by Government officers under the direction of the Court of Wards.

(*b*) No.

(*c*) When retired Government officers are appointed it is on the ground of their long experience of revenue and settlement work and their tested probity and ability.

(*d*) The great majority of the posts of Managers are filled by non-officials.

(*e*) Yes.

### Grand Trunk Road.

**10. Mr. A. R. E. LOCKHART:** (*a*) Has the attention of the Hon'ble Member in charge of the Political Department been drawn to the deplorable state of that portion of the Grand Trunk Road which passes through the French settlement at Gaurhati?

(*b*) Is the matter now in the hands of the Hon'ble Member for Public Works or of the Political Department?

(*c*) Is it a fact that the Public Works Department is ready to carry out proper repairs to the portion of the road in question?

(*d*) Is it not possible to construct a bye-pass road?

(*e*) Have the Government of Bengal considered the possibility of asking the help of the Government of India in settling the dispute, which is holding up the repairs?

(*f*) If a settlement is not imminent and if a bye-pass road cannot be constructed, what arrangement has the Hon'ble Member in mind to ensure that the present deplorable state of affairs is speedily remedied?

**The Hon'ble Mr. R. N. REID:** (*a*) Government are aware that it is in a bad condition.

(*b*) The Political Department are dealing with the matter.

(*c*) The Public Works Department could carry out the repairs provided the question in regard to ownership was settled and funds were arranged for.

(*d*) At the present time there seems to be no advantage in exploring this possibility.

(*e*) Yes.

(*f*) There is reason to believe that a settlement may be arrived at within a reasonable time.

**Cases under the Bengal Suppression of Immoral Traffic Act.**

**11. SETH NUNUMAN PROSAD PODDAR:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay a statement on the table showing, since the passing of the Bengal Suppression of Immoral Traffic Act,—

(*i*) how many cases have been instituted by the police under the Act; and

(*ii*) how many of the cases instituted have resulted in convictions?

(*b*) Is the Hon'ble Member aware that there is a public feeling that this Act has been a dead letter ever since it was enacted?

(*c*) What are the reasons for the state of affairs which has led to this feeling?

**The Hon'ble Mr. R. N. REID:** (*a*) A statement is laid on the table.

(*b*) Government are aware that it is held in some quarters that the Act requires amendment, but they are not aware that there is a general feeling to the effect that it is a dead letter.

(*c*) Does not arise.

*Statement of cases and persons dealt with under the Bengal Suppression of Immoral Traffic Act during the year 1934 referred to in the reply to Unstarred Question No. 11 (a).*

| Serial No. | No. of cases. | No. of persons. | Section. | Result. |
|---|---|---|---|---|
| 1 | 7—Bankshall Court | 20 | 3, Immoral Traffic Act | 2 persons, 1 year's rigorous imprisonment each. |
| | | | 3(5), Immoral Traffic Act. | 1 person fined Rs 15 or 7 days' rigorous imprisonment. |
| | | | 10, Immoral Traffic Act. | 6 persons fined Rs. 15 each. |
| | | | 8, Immoral Traffic Act. | 1 person fined Rs. 20 or 14 days' rigorous imprisonment. |
| | | | 6 (3), Immoral Traffic Act | 1 person, 3 months' rigorous imprisonment. |
| | | | 6, Immoral Traffic Act. | 9 persons acquitted. |
| 2 | 5—North Court (Jorabagan). | 10 | 6(5), Immoral Traffic Act. | 2 persons—one 4 months' rigorous imprisonment and the other 3 months' rigorous imprisonment. |
| | | | Ditto 12, Immoral Traffic Act | 8 persons acquitted. |
| | | | Ditto 6, Immoral Traffic Act. | |
| 3 | 43—Central Children Court. | 61 (girls rescued from brothels) | | 13 sent to Home. 42 made over to guardians. 6 otherwise disposed of. |
| 4 | 1—Sealdah Court .. | 2 { 1 male, 1 female } | 9, Immoral Traffic Act. | 1 year's rigorous imprisonment each. |
| 5 | 2—Alipore Court .. | 6 { 5 females, 1 male } | Ditto .. | Pending. |
| | Total—58. | Total—99 | | Convicted 15; Acquitted .. 17; Pending .. .. 6; Sent to Home .. 13; Made over to guardians 42; Otherwise disposed of 6; Total .. 99 |

**Dr. NARESH CHANDRA SEN GUPTA:** Are not the Government aware that this Act is in effect a dead letter and must be a dead letter?

**The Hon'ble Mr. R. N. REID:** That is a matter of opinion I think.

**Mr. K. C. RAY-CHOWDHURY:** Is the Hon'ble Member aware that White Slave traffickers are evading the law?

**Mr. PRESIDENT:** That is a very big question.

(No reply was given.)

# GOVERNMENT BUSINESS

## LEGISLATIVE BUSINESS

## GOVERNMENT BILL.

### The Bengal Village Self-Government (Amendment) Bill, (1934) 1935.

[The discussion on the Bengal Village Self-Government (Amendment) Bill (1934), 1935 was resumed].

*Clause 8.*

**Mr. PRESIDENT:** The House is to take into consideration item No. 18 under clause 8. I hope it will be remembered that there are two amendments before the House Nos. 18 and 21.

**Dr. NARESH CHANDRA SEN GUPTA:** Sir, with regard to the amendment No. 18, I have some difficulty in voting on this amendment. With regard to amendment No. 18 the mover proposes to do away not only with 17A and 17B but also with 17C which is a very different matter.

17C says:—

"No act done or proceeding taken under this Act shall be questioned on the ground merely of—

(*a*) the existence of any vacancy in, or any defect in, the constitution of, the union board, or

(*b*) any defect or irregularity not affecting the merits of the case."

This is a rule which must be provided unless the union boards are to find their Acts made null and void, and everybody being placed under difficulty. On the contrary Mr. Mullick's amendment No. 21 proposes to delete 17A only.

17A says:—

"No election of a member of a union board shall be called in question in any court, and no court shall grant an injunction—

(*i*) to postpone the election of a member of a union board, or

(*ii*) to prohibit a person, declared to have been duly elected under this Act, from taking part in the proceedings of a union board of which he has been elected a member, or

(*iii*) to prohibit the members formally elected or appointed for a union board from entering upon their duties."

It leaves intact 17B which provides:—

"If any dispute arises as to the election of a union board, the matter shall be referred to the District Magistrate who shall decide the same after giving notice to the parties concerned and after taking such evidence as may be produced. The order of the District Magistrate shall, within thirty days from the date thereof, be subject to revision by the Commissioner whose decision shall be final and shall not be questioned in any court."

Therefore, the effect of passing the first amendment would be to remove a very salutary provision of the Bill and the effect of the other amendments would not serve any purpose whatsoever. There can be no question that the desire of Government is to do away with the jurisdiction of the civil courts altogether in regard to election. At the present moment the position is rather ambiguous. In the present Act section 101 provides for the power of the Local Government by rules to regulate amongst other things the manner and time of election and various other matters regulating elections under this Act and particularly to determine the authority who shall decide in case of dispute. In the present Bill this last provision has been deleted, that is to say, Government have given up the power to lay down who may be the determining authority in case of a dispute. Under that section Government made some rules and rule 25 provides that all disputes arising under the preceding rules shall be decided by the District Magistrate or under his general or special orders by the Subdivisional Officer within whose jurisdiction the union board lies. Therefore, under the rules the District Magistrate was made the final authority. Then rules 22 and 23 set out certain grounds upon which elections could be set aside by the District Magistrate. Sir, this is however a very ambiguous point. I remember a case in which an election was set aside on some other grounds. I must say, however, that the law with regard to this still remains somewhat obscure. It is necessary that the law with regard to election should be made clear. In the proposed sections 17A and 17B the law has been made very clear, that is to say, the civil courts would have no jurisdiction in any circumstances—even in a case in which a candidate who was nominated and elected without being a resident of the locality or without being a voter he would continue to be a member if the District Magistrate does not set aside his election. Even in such cases even when the election is *ultra vires*—even then the civil courts will have no jurisdiction. The proposed sections propose to take away the right of citizen to get the decision of the civil court on a question of this character. If an election is *ultra vires*, why should not the civil courts have power to interfere. Of course, I can agree that civil courts should not have the power to issue an injunction thus prohibiting the union board to function or to carry on their work. But at the same time I think that the

civil court should have power to decide whether a particular election was held in law or whether it was *ultra vires*. I do not see why that power should be taken away. Therefore, the provision of section 17A cannot be supported and that being so, section 17B must also go. As we have no alternative proposals before us, we have got to accept the amendment proposed by Rai Bahadur Satish Chandra Mukherji unless Government agree to a short notice amendment. As I have said the law must be made clear on this point; but as the Government proposal regarding non-interference of the civil court under any circumstances is not acceptable to us, the only possible course for us to do is to accept the Rai Bahadur's amendment for the deletion of these clauses altogether. We cannot consent to the taking away all the powers of the civil court. I know that if sections 17A and 17B are deleted by the acceptance of this amendment, 17C must necessarily go, even that must be faced.

**Mr. NARENDRA KUMAR BASU:** Sir, I beg to support the amendment moved by my friend Mr. Mukunda Behary Mullick that the proposed section 17A be omitted. Section 17A, as it stands at present, is rather contradictory in terms. It begins by saying that no election of a member of a union board shall be called in question in any court. If that be so, then where is the power or the opportunity for any court to grant an injunction such as is mentioned in the latter part of the section, sub-clauses (*i*), (*ii*) and (*iii*)? If the election dispute is always to be decided by the District Magistrate and the courts are to have nothing to do with it, then the limitation of the powers of the court with regard to grants of injunction becomes meaningless. As I am one who feels very strongly on the excision of the powers of the civil courts in election matters which may result in hopelessly illegal proceedings being passed by executive officers, I object to clause 17A being retained in the statute book and I therefore support the amendment of Mr. Mullick.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I rise to oppose the amendments. First of all I must say that amendment No. 18 seeks not only the omission of sections 17A and 17B but section 17C as well. Section 17C is certainly a very necessary provision for the smooth working of the union boards. Even if it is agreed that sections 17 and 17B are not in accordance with certain principles, I think that section 17C should be retained. That is one of my grounds for opposing amendment No. 18.

As regards amendment No. 21, as has been very rightly pointed out by Dr. Naresh Chandra Sen Gupta, even if section 17A goes, section 17B remains. Section 17B provides that if there is a dispute about the election of a union board, the matter shall be referred to the District Magistrate. So, that is another ground, and a very strong ground on

which I would oppose amendment No. 21. Dr. Sen Gupta mentioned that under the rule-making power, namely, section 101 of the Act, Government have the right to determine the authority who will decide election disputes, but that has been already amended. I would draw his attention to clause 38 (*a*) of the Bill——

**Dr. NARESH CHANDRA SEN GUPTA:** I did not say that.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I am sorry. However, on general principles I would oppose both the amendments now. In the interest of the smooth working of the union boards and their speedy constitution it is necessary that the jurisdiction of the civil court should be ousted. This principle was accepted by the House in connection with the Bengal Municipal Act. So it is not a new principle that I am advocating. In the case of the Bengal Municipal Act the jurisdiction of the civil court was ousted, and there is absolutely no reason why it should be otherwise in the case of disputes over the election of a small local body like the union board.

**Babu KHETTER MOHAN RAY:** Is not the suit referred to the District Judge in the case of municipal election disputes?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Government appoint the District Judge as a tribunal and he decides the election disputes. This very clause was inserted by the House in the Bengal Municipal Act. I would refer the member to section 43 of the Bengal Municipal Act. There he will find the same language. The amendment recommended by the Select Committee provides the right of appeal to the Commissioner. That is certainly a very great improvement on the existing law. Now, the District Magistrate disposes of these election disputes generally and Government appoint him under section 101 of the Act. Here the right of appeal has been provided. That is, of course, a sufficient compensation for ousting the jurisdiction of the civil court. It is said here that if any dispute arises as to the election to a union board the matter shall be referred to the District Magistrate who shall decide the dispute after giving notice to the parties concerned and after taking such evidence as may be produced. Then there is the right of appeal to the Commissioner. So I think that is a sufficient safeguard and the right of the parties would be sufficiently protected by that right of appeal to the Commissioner. It is not necessary to bring in the civil court which is likely to delay the constitution of the union boards. My honourable friends, most of whom come from the mufassal, are fully aware of the extent to which party faction in the villages could go. Thousands of rupees are sometimes wasted on petty election disputes. If they are anxious

to see local bodies function smoothly and expeditiously, I think it is proper that the jurisdiction of the civil court should be taken away and the matter should be left to the District Magistrate and the Commissioner.

With these words I would oppose the amendments.

The motions of Rai Bahadur Satish Chandra Mukherji and Mr. Mukunda Behary Mullick (Nos. 18 and 21) were then put and lost.

**Babu KHETTER MOHAN RAY:** I beg to move that in clause 8, in proposed section 17A, lines 1-3, the following words be omitted, namely:—

"No election of a member of a union board shall be called in question in any court, and."

Sir, my amendment is a very short one.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** On a point of order, Sir. Does not this amendment fall through in view of the decision of the House on the last amendment?

**Mr. PRESIDENT:** If I remember aright, yesterday, I drew a line of distinction between this amendment and the two disposed of last night, for the simple reason that the two amendments we disposed of proposed to delete a particular section, but here the proposer is not asking the Council to delete the whole clause but only a portion of it. So I think I should give him a chance.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** It involves the same principle.

**Mr. PRESIDENT:** Would you read out your amendment, Mr. Ray?

**Babu KHETTER MOHAN RAY:** My amendment proposes the deletion of the following words in the beginning of the section:—

"No election of a member of a union board shall be called in question in any court, and."

**Mr. PRESIDENT:** You are only guarding against injunction?

**Babu KHETTER MOHAN RAY:** Yes.

**Mr. PRESIDENT:** This amendment, therefore, stands on its own legs and is not governed by the decision to which the Hon'ble Minister referred.

**Babu KHETTER MOHAN RAY:** There is also another amendment standing in my name, very similar to the present one, with respect to the proposed section 17B.

**Mr. PRESIDENT:** That will be taken up later.

**Babu KHETTER MOHAN RAY:** In the proposed section 17A, in the beginning the following sentence occurs, namely—"No election of a member of a union board shall be called in question," and then as if not satisfied with this performance and in order to close all possible loopholes, if any, for civil courts to interfere with election disputes, the sentence has been repeated at the end of the proposed section 17B in order to oust the jurisdiction of the civil courts over all classes of election disputes. Nowadays it has become a fashion with certain class of executive officers to view with disfavour extensive jurisdiction of the civil courts—I mean judiciary—and to restrict their jurisdiction by all possible and impossible means. The other day, we came across the same feeling in connection with the Court-fees Amendment Bill in which an attempt was made to curtail the powers of the civil courts to make valuation and practically transfer the same to the executive. Sir, there are two classes of irregularities or illegalities or defects in the procedure under which an election is liable to be set aside. It is a well-established principle recognised in law and in other systems of jurisprudence that errors in procedure which constitute merely irregularities and do not go to the groundwork of election can be corrected by the authorities only in the manner provided by the statute itself, as in the present case, by the District Magistrate and by the Commissioner on revision the remedy so provided must be exclusive. This is due to the fact that the Legislature has provided that the decision of such tribunal is final. If errors or irregularities are committed, they must be corrected in the mode provided by the statute; if not so corrected, they become conclusive. On the other hand, where the defects in procedure are jurisdictional, rendering the election *ab initio* void, the persons aggrieved thereby can not only resort to the tribunal set up by the statute but also can invoke, on failure to obtain remedy there, the aid of the ordinary judicial remedies. All clear violations of law which affect the groundwork of election give rise to jurisdictional questions. In other words, there are two classes of irregularities, known in legal parlance, *ultra vires* and *intra vires*. The tribunal set up in the Act has power to go into the questions relating to both classes of irregularities, but the civil courts can only interfere in cases in which there are grave and serious irregularities which affect the basic foundation of election and are *ultra vires*. By providing that the civil courts will have no jurisdiction over the election disputes of any kind, we depart from the well-established principle of law. In the Bengal Municipal Act, 1932, and the Local Self-Government Act, 1934, this provision was

sought to be introduced. The House, after prolonged discussion, rejected such an identical provision. It is a salutary principle and is intended as a safeguard against the vagaries and overzealous actions of the executive entrusted with the holding of elections. If you remove this safeguard you will endanger the safety of the election procedure being observed in accordance with the law and the rules framed thereunder. I do not think there is anything extraordinary in the election of the union board members which necessitates the ousting of jurisdiction in all classes of cases. It is generally argued that a suit instituted in a civil court causes delay and prolongs the dispute and interferes with the smooth working of the board. In order to safeguard against such a contingency the Bill has provided in clause 17(1), (2) and (3) that the civil courts will not have power to postpone election, or to prohibit a person duly elected from taking part in the proceedings of the board and also to prohibit the elected and appointed members from entering upon their duties. Then we are going to have various safeguards against abusing the processes of the court, and I am clearly of opinion that we should not depart from the well-established principle. Otherwise such a provision in the Bill will savour of the arbitrary exercise of powers sanctioned by special law as if some emergency had arisen. If you think that there are certain loopholes yet through which process of the courts may be abused, provide against it by all means and we are ready to accede to it But do not oust the jurisdiction in cases of grave jurisdictional questions, otherwise you will fling open the door to illegal and arbitrary exercise of powers and corruption, etc., which will render life in the villages intolerable.

With regard to the municipal elections this question was discussed and also in connection with the powers of the taxation committee a similar phrasing was introduced, but it was afterwards removed from it after discussion in the Council. Now, Sir, with regard to municipal elections, after a long discussion, it was thought advisable to refer election disputes to the District Judge and if the District Judge could not himself try the case he could make over those cases to the subordinate officers—munsifs, or Subordinate Judges, for trial. If cases are tried by the District Judge or a munsif or a Subordinate Judge, then their decisions are subject to the revisionary powers of the High Court. In these circumstances I submit that the civil courts' jurisdiction was not ousted in the cases of the municipalities as was contended by the Hon'ble Minister in this case.

With these words I commend my motion to the acceptance of the House.

**Mr. NARENDRA KUMAR BASU:** Sir, I beg to support the amendment moved by Babu Khetter Mohan Ray. In fact, I gave notice of a similar amendment myself. Sir, in supporting the amendment I

am sorry I have to charge the Hon'ble Minister with deliberately misrepresenting to this House the provisions of the Bengal Municipal Act with regard to this. The Bengal Municipal Act provides——

**Mr. PRESIDENT:** You should not use the word "deliberate".

**Mr. NARENDRA KUMAR BASU:** He had the book before him and read from it before the House. However, I bow to your ruling and take out the word. The Hon'ble Minister was pleased to tell the House that the principle of ousting the civil court in election disputes had been accepted by the House and been incorporated in the Bengal Municipal Act of 1932. That is absolutely wrong. What section 43 of the Bengal Municipal Act (Act XV of 1932), (quoted in the margin of the Bill) says is this:—

"No election of a Commissioner shall be called in question in any court except under the procedure provided by this Act and no order passed in any proceeding shall be called in question in any court and no court shall grant an injunction, etc."

Therefore, that is a different thing from ousting the jurisdiction of the civil court altogether. As I pointed out in my submission to the House in my speech on the last amendment the opening words of section 17A, words which are now sought to be deleted by Mr. Ray's amendment are contradictory, or at least inconsistent, with the words that follow. If no election dispute is to be tried by the civil court, what in the name of heaven or in the name of anything on earth, do the words mean? I submit, Sir, that when the Hon'ble Minister says that section 17A will promote delay, he is absolutely oblivious of the existence of the last two lines of section 17A. As has been legislated for in the case of municipalities by the Bengal Municipal Act and as has been proposed in this clause, no court shall grant an injunction to postpone the election of a member of a union board or to prohibit any person declared to have been duly elected under this Act from taking part in the proceedings of a union board of which he has been elected a member or to prohibit a member formally elected or appointed for a union board from entering upon his duty. Here, Sir, I ask him: Is there any reason to apprehend that any delay would be caused in the election of a union board if the civil courts were given jurisdiction to entertain election disputes? I also beg to submit that this is in direct contravention of the policy of Government as laid down in the Court-fees Amendment Bill now before the House with the Report of the Select Committee. In that Bill as it was first introduced in this House there is a provision that a court-fee of Rs. 100 shall be charged on election petitions with regard to union boards. If there is to be no election court, where would the Finance Member get Rs. 100, if that sum is agreed to by the House? I submit that the House has accepted the principle of the Court-fees Amendment Bill and the Select Committee has made its report upon it

and we have got to discuss it some day next week. There is a provision there that for all petitions presented to the civil court for the purpose of setting aside elections to union boards a certain court-fee is liable to be paid.

**Maulvi ABUL QUASEM:** Not elections to union boards but to local boards.

**Mr. NARENDRA KUMAR BASU:** Thank you, I am sorry. The Hon'ble Minister has also, in his reply to the previous amendment, expressed his tender solicitude for the pockets of the poor people in the countryside who may have to waste thousands of rupees on election disputes. That is a new point indeed, as if, if the case is taken before the District Magistrate and witnesses are to be examined and an appeal has subsequently to be made to the Commissioner, no money will be spent at all, and as if money will only be spent if the matter comes up before the civil court and arguments are heard before an officer of the standing of a District Judge or of a Subordinate Judge. I submit that the reasons given by the Hon'ble Minister for trying to oust the jurisdiction of the civil court in the case of union boards alone, are not at all convincing, a similar principle not having been accepted by the House on any previous occasion; I submit there is no sanction for it, and I hope the Hon'ble Minister will kindly think twice before introducing this principle in the case of union boards alone.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I will not emulate my friend Mr. N. K. Basu by saying that he has deliberately misrepresented what I said in connection with the amendments on sections 17A, B and C. He thought that I spoke only on the first few lines of section 17A.

**Mr. NARENDRA KUMAR BASU:** I did not say so.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** When I spoke, I spoke on sections 17A, B and C. The two amendments covered these three clauses of the Bill, and I can assure him that what I said was certainly not a deliberate misrepresentation.

**Mr. NARENDRA KUMAR BASU:** I have withdrawn the word "deliberately," so that word goes.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** But "misrepresentation" remains. Section 43 of the Bengal Municipal Act certainly does oust the jurisdiction of the civil court. The court here is only a tribunal to be appointed by Government; it is not a civil court in the ordinary sense of the term. So I do not think it makes much difference in spite of what Mr. N. K. Basu may think about it.

I oppose the amendment moved by Babu Khetter Mohan Ray on the grounds that I have already stated. It is not desirable that these petty disputes should be dragged into the civil court and that the constitution of union boards unduly delayed. Mr. N. K. Basu seems to think that the expenditure of parties before the District Magistrate or the Commissioner in appeal would be practically the same as in the civil court, but that is not the common experience. In civil courts suits are certainly much more expensive and much more protracted than if those cases are tried and disposed by the District Magistrate or the Commissioner. Sir, these are my principal grounds for opposing the amendment. I assume that everybody in this House is anxious to see that union boards are constituted without much delay and that they function without much difficulty and I will certainly press that the Bill clause should be accepted and the amendment rejected.

**Dr. NARESH CHANDRA SEN GUPTA:** The Hon'ble Minister has again and again harped upon the matter of delay in constituting union boards. If you refer to the Act itself, you will see that the institution of suits in a court which has not got the power to issue these injunctions will not prevent the constitution of union boards at all. Union boards are constituted as soon as there has been a publication in the Gazette of the names of members of the union board and of the fact that they have properly elected their President. If they fail to elect a President, the district board will appoint a President for them and the union board is constituted forthwith, so that there will not be any moment's delay after that, the institution of a case before the civil court notwithstanding. So far, therefore, as that argument goes, there will be absolutely nothing in it.

Does the Hon'ble Minister suggest that the procedure provided for in this Bill will be more expeditious and less expensive? If he thinks so, he must have something at the back of his mind which the Bill does not disclose. But reading between the lines one might think that there is something. In a previous speech he said that clause 17B provides a complete and adequate remedy to any person who feels aggrieved, because that clause provides that the District Magistrate shall decide the same after giving notice to the parties concerned and after taking such evidence as may be produced, and subject to revision by the Commissioner. Well, Sir, it may be said that we are going to have a full dress enquiry by the District Magistrate upon evidence. Therefore, since the District Magistrates ought to be as good as civil court Judges, there ought to be no grievance whatsoever. But, the moment you go to a civil court you have got a complete "procedure" which has got to be followed. Now, this section 17B, which has been drafted in that sort of hurry to which executive officers are accustomed when they deal with legislation, provides that the District Magistrate shall decide the same

after giving notice to the parties concerned and after taking such evidence as may be produced. Now, what is the procedure to be followed by the District Magistrate? When you go to a District Judge or a civil court Munsif, you know full well the procedure which will be followed there. There is the Evidence Act which applies with regard to evidence; then, also, there is the Civil Procedure Code. Where is the procedure in this case? The Criminal Procedure Code will have no application at all, because the District Magistrate will not be able to exercise the functions of a Magistrate in these matters at all. Therefore, I submit that there is no procedure which can be followed. The mere fact that the District Magistrate will be empowered to take evidence is no protection at all. The protection really lies in the Civil Procedure Code, and it is sought to be taken away by substituting this simple sentence. Well, how is the Magistrate to take the evidence? Further, whether cross-examination is to be allowed and how evidence is to be recorded? What about the safeguards which are provided in the Civil Procedure Code for the proper recording of evidence? They are not in this Bill. Therefore, what the Hon'ble Minister seems to have at the back of his mind is that the Magistrate should hold a sort of summary trial regulated by no law at all! That is what we want to prevent We want that the matter should be decided according to law Well, let the matter be adjudicated by the District Magistrate: I do not mind it; but let him decide every case according to the law, as laid down in the Civil Procedure Code, and let there be an appeal to the higher civil courts Will the Hon'ble Minister accept that position?

You are going to have decisions by District Magistrates in matters which are properly within the jurisdiction of civil courts. In that case, it will not be expeditious. District Magistrates are certainly not more efficient in the matter of deciding these disputes than the civil courts. Then where is the justification for taking away the jurisdiction and vesting it in the Executive? The Hon'ble Minister falls back on his last words on this subject, viz., "petty disputes." Well, Sir, as a matter of fact plenty of petty disputes go up even to the High Court. I have not yet heard Government passing any legislation for stopping petty disputes going up to the High Court. I say there is absolutely no foundation for, or any reason in, the argument of the Hon'ble Minister that these are petty disputes and that money should not be allowed to be wasted over them. If he is so philanthropic in his attitude towards the poor litigants, there are other avenues for him to explore. Let him go out as a missionary to the poor litigants against the civil courts and induce them not to waste money by instituting cases in them. These "petty disputes" are actually very few. The number of cases for election to the union boards which come up before the civil courts are very few. It will not save much money by preventing them from going to the civil courts. On the other hand, when a right has been infringed,

it is the elementary right of the people to have the wrong righted with the assistance of law. There is no reason why that right should be allowed to be infringed. Well, the Hon'ble Minister of the Government of Bengal thinks these election disputes to be petty matters. It may be a petty matter to him, but it is a vital and substantial matter to a man in the village. To a man in the village, if a man comes to the union board by means of corrupt practice it is going to be a tremendous danger to the village; a villager may seek to have his election set aside by showing up his corrupt practice before the public, by instituting a suit in the civil court. The Hon'ble Minister says that a substitute has been provided for, in section 17B, which, I am afraid, is not a substitute at all. I submit, Sir, no argument has been adduced by the Hon'ble Minister in support of taking away the jurisdiction. His last argument regarding expeditious disposal of cases has absolutely been torn into tatters, and the Hon'ble Minister, when he attempted to reply to Mr. N. K. Basu, could not find one word to justify his argument that the Bengal Municipal Act has ousted the jurisdiction of civil courts. What the Act provides is that no suit should lie in the civil court except in accordance with a particular procedure there laid down. The Hon'ble Minister has said that the tribunal created by that Act is not a civil court. Well, I would like to ask him—at any rate I would have asked him—if he and I were in the same position as he and I were 20 years ago—to ask him what does he understand by the words "civil court"? The civil court is a court which decides civil disputes. The law provides for special tribunals, and these special tribunals are civil courts inasmuch as they decide civil disputes. I submit, Sir, that what this House has accepted in the case of the Calcutta Municipal Act should equally apply to this case, if the House is to remain true to its own principle, viz., that these disputes should be decided by civil courts.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

**Babu SATISH CHANDRA RAY CHOWDHURY:** Mr. President, Sir, yesterday I dealt fully with this question of our reasons for wanting to have the civil court's jurisdiction left intact, and if possible we would rather extend the jurisdiction of the civil court and not reduce it. It is not on sentimental grounds that we want this; it is not the interest of lawyers which moves us. It is our general regard for the legal rights of the people. Sir, it has been said that the union boards are small affair, and their disputes are petty. We on the contrary believe that it is of extreme importance now-a-days to turn our attention to the union boards. The union boards are going to be the very foundation of the constitutional structure, and I should say that it is a welcome sign now-a-days that even people living in towns in the midst of various occupations have time to turn to the union boards, and seek to be elected to be

of service to their fellow-villagers and fellow-men. That is a spirit which is very welcome from all quarters. The Hon'ble Minister was saying yesterday that as a matter of fact union boards have done very great service, and are going to do more service. We entirely agree with him that they are full of potentialities, and because they will be so useful it is necessary that the avenues should not be closed to people who are minded to do service to their fellow-men, and those who are in a position and have the capacity and willingness to do so should come in in large numbers in order to supplement the efforts of comparatively uneducated villagers. Now, Sir, it has been said that if these cases are brought to the courts, it will be a lengthy affair, and the whole thing will be protracted. I would rather say that by going to the civil court, by allowing the aggrieved parties to go to the civil court, the whole thing may be very speedily disposed of These disputes under the Bill will have to be decided by the District Magistrate on evidence. Everybody knows that district headquarters are at a considerable distance and if the cases are taken up to the headquarters, it will be a very costly affair. After all, the decision will be a summary one of the District Magistrate, and the grievances will not be fully redressed and there will be a sense of wrong and injustice still there, because there is no appeal to the District Judge or ultimately to the High Court for the matter of that. As regards the question of cheap justice, even assuming that it is so, some people think that if they go to the District Magistrate, they will get cheap injustice It is really a matter which is between two rivals, and the union board is not concerned. While they are fighting there is nothing to impede the work of the union board. Nobody can make a grievance of it, it will be a matter to be fought out by private persons. Now Sir, in the Local Self-Government Act, and in the Municipal Act to which a reference has been made by Mr. Ray, we find that although the first proposal was to oust the jurisdiction of the Court and make the decision of the District Magistrate final, good sense prevailed in the Government afterwards and in the Select Committee and in this House it was decided to empower the District Judge to hear these appeals and election disputes. Of course, everybody would prefer a District Judge to a munsif, because in the district he is the highest judicial officer; there is no question that in allowing a man to go to the District Judge with an election case the matter is given more importance than it would otherwise have, and if this provision would be made in the Village Self-Government Act that the decision should be made by the District Judge, we would not object to it. The position is that the District Judge is to hear the appeal but he may transfer the case to the file of a Subordinate Judge who commands the confidence of the litigating public. Sir, so far as election disputes regarding union board cases are concerned, if they are taken to District Judges' courts, they would be certainly more costly. Therefore, I think that if these disputes cases are brought to the munsifs' courts, which are always close by the union boards, it would

not only reduce the costs in most cases but it would satisfy the parties concerned, because the decision will be a legal decision and not an arbitrary one. But Government is suspicious of taking these matters to courts, but wants to make the decision of the District Magistrate final. There is of course a provision that the Commissioner can ultimately revise that order. That means nothing, Sir, because after all it will be a revision on the report of the District Magistrate himself, and the Commissioner will not give any opportunity to the parties to appear before him, nor would it be worth while for the parties to go to the Commissioner who lives generally at a place more distant than that of the headquarters of the District Magistrate. I think, Sir, it would be a more reasonable attitude on the part of the Government adopt, namely, to accept this very simple amendment as on our part we are prepared to see that nothing will be done to impede the progress of election or to issue injunctions to call into question any act done by the elector in the matter of election to the union board. In such disputes, Sir, nobody suffers; the union boards do not suffer; the work of the union board is not stopped, but if the amendment is accepted, it may bring a general satisfaction among those who want to fight their election disputes, and if this privilege is given to the parties, you give to the union boards a place which it deserves in the constitutional structure of the country. I hope the Hon'ble Minister who is himself a lawyer will view the matter from the lawyer's point of view as well from the point of the general public.

**Mr. S. M. BOSE:** I am surprised at the objections taken by Mr. N. K. Basu and Dr. Sen Gupta. Strong objection was taken to the statement of the Minister to the effect that the principle of ousting the jurisdiction of the civil courts has been accepted by the Council as was done in section 43 of the Bengal Municipal Act and it was stated that this was a misrepresentation. I submit, Sir, with confidence that he was perfectly right. May I quote the first two lines of section 17A? It reads thus:—

"No election of a member of a union board shall be called in question in any court..... ."

I shall now read section 43 of the Bengal Municipal Act, as amended in 1932. It reads thus:—

"No election.....shall be called in question in any court except under the procedure provided by this Act....."

Sir, the procedure provided by this Act is the appointment of a special tribunal, and there is no mention of any court at all. No election dispute is to be taken in any court—civil, criminal, revenue or any other court. Every court is ousted, and then I can support my statement by a reference to section 37(2), namely—

".....the Judge may summon and enforce the attendance of witnesses and compel them to give evidence as if he was a civil court".

Sir, that shows clearly that he is not. (Dr. Naresh Chandra Sen Gupta laughs.) My friend may laugh, Sir, but I must explain the position by a reference to the Act itself and show that the attitude taken by him is wrong. The section further says:—

".....as if he were a civil court, and may also direct by whom the whole or any part of the costs of such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908." That establishes the elementary proposition that the Judge here is not a civil court at all. He is a special tribunal not governed by the civil court rules at all, not governed by any other rules of civil law. Section 37(2) provides a special method by which he is to hold the enquiry. That proves beyond all shadow of doubt that the Judge holding the enquiry under the Bengal Municipal Act is not a civil court. Therefore, I maintain, Sir, that the statement made by the Hon'ble Minister was absolutely correct. Then, Sir, Dr. Sen Gupta asked, by what law is the person holding the enquiry under section 17B of this Act to hold the enquiry? I suggest that that may be provided by rules made under section 101 which enables the Local Government to make such rules. I submit, Sir, that the arguments advanced in support of this amendment are not well founded, and I submit further that the principle embodied in clauses 17A and 17B of this Act have already been adopted in the Bengal Municipal Act. I oppose the amendment.

**Maulvi ABUL KASEM:** I fully sympathise with my friends who have spoken in support of this amendment, and nobody will be more glad than myself if it gives some security or convenience to the members of union boards or to any local self-governing body, but I am afraid, Sir, this amendment if carried would not much benefit either the members of the union boards or their administration. Sir, there are already more than 5,000 union boards, and at the time of a general election, if cases of election disputes are started, granting only one for each union board, there will be 5,000 to 6,000 cases to be decided by the civil courts. Government may appoint two or three thousand munsifs to carry this out, but the fact remains that whether in the municipality, or union board, or district board elections, civil courts in spite of what my lawyer friends have said never give any redress for the simple reason that the civil court has not the time to try the suit and pronounce judgment. I would remind this House that after the general election of the Calcutta Corporation no less than five election suits were instituted in the highest court of civil jurisdiction, namely, the High Court of Judicature, Calcutta, and all these suits, except one which was compromised and in which there was no contest, are still hanging and by the time any final decision is given there will probably be another election. Therefore, whichever party wins or loses, it will not benefit

either. Secondly, with due respect to my hon'ble friends and also fully realising that no individual British subject should be deprived of his civic rights, I submit that to allow a civil litigation in its proper form, with lawyers and affidavits and the other paraphernalia of a civil suit, in poor rural areas would be a very dangerous thing. With reference to the jurisdiction of the union benches I must say that there are after all some people who set up one party against the other more for personal reasons than for political reasons. Therefore, whenever there is a dispute there will not be any lack of touts or *tadbirdars* in the village rural areas who will be able to make out a case and take it to the lawyers and fight it out to the end, but by the time a decision will be arrived at the union board will be dissolved. The poor people of the rural areas will for no earthly good have to bear the expenses of a litigation. It may be that they may have to suffer some injustice, but for that to press the whole population into a ruinous litigation is neither desirable nor advisable. My friend has said that in these days members of the educated community have felt it their duty to do service to the village people and help them, and therefore it is necessary that they should be elected and election disputes decided by civil courts in order to enable a large number of educated men from the town to come there and get themselves elected. Personally I oppose the system of having non-resident members, but as the House have it otherwise, I think we should have the least number of non-resident members. I am glad to know that people living in towns and carrying on their business in towns have now realised towards the middle of the 20th century and in the year of Our Grace 1935, that they owe some responsibility to the villages and the villagers, and not only they but also the Government have now realised that something ought to be done in the rural areas. After all, the people in the rural areas are our bread-winners, and I would like them to be saved from their friends and I would not like any interference in their affairs from outside. After all, the union board is the lowest rung of the ladder in a democratic Government, and because in a union board election, A has been given one vote less than B, it does not show that there were many irregularities in the election. To speak the truth even in the Legislative Council elections to my knowledge many illegal acts were done——

**Mr. PRESIDENT:** Order, order.

**Maulvi ABUL KASEM:** Therefore, I think no great harm will be done in retaining this section. I oppose the amendment.

**Rai Bahadur JOGESH CHANDRA SEN:** Many eminent lawyers have discussed the subject quite ably and it would be puerile on my

part to make an attempt to do so. Just a few minutes before I heard from Khan Bahadur Hafizuddin that he spent about Rs. 2,000 over a petty union board election and his opponent also spent an equal amount. This certainly is not very encouraging. I, as the chairman of a district board, am intimately connected with union boards and I speak from my personal knowledge that the general tendency of the defeated candidate in an election is to find out some means by which he could take the case on to a civil court and prolong life of the old board and delay matters. If the smallest wheel of a big machinery like this Government gets clogged, it is very difficult to run that big machinery. There is of course no suggestion that the District Magistrate or the Commissioner will be influenced by any bias or otherwise. I think there should be some summary method by which the small matters could be settled.

**Mr. C. S. DUTT:** Sir, may I say a few words with reference to the remarks which my hon'ble friends on the other side, in spite of their being very eminent lawyers, men like Mr. Narendra Kumar Basu and Dr. Naresh Chandra Sen Gupta, have made with regard to the Hon'ble Minister's statement and which appear to me to be absolutely unintelligible? First of all I may point out to my friends that it is a fact that the jurisdiction of the civil court has been taken away with regard to municipal election disputes. If Dr. Sen Gupta would refer to section 43 of the Bengal Municipal Act, he would find that so far as injunction is concerned the jurisdiction of the civil court has been entirely taken away. With your permission, Sir, I will read the relevant portions of this section. It says "no election of a Commissioner shall be called in question in any court except under the procedure provided by this Act, and no order passed in any proceeding under sections 36 to 40 (both inclusive), shall be called in question in any court and no court shall grant an injunction (*i*) to postpone an election of a Commissioner, or (*ii*) to prohibit a person, declared to have been duly elected under this Act," and so on. Thus the civil courts have been entirely ousted so far as injunctions are concerned.

**Dr. NARESH CHANDRA SEN GUPTA:** May I point out, Sir, that what I said was that the tribunal set up is a civil court.

**Mr. C. S. DUTT:** Mr. S. M. Bose has already pointed out that it is not a civil court. A civil court is a court which carries on its proceedings in accordance with the procedure laid down in the Civil Procedure Code and which tries suits under the Civil Procedure Code. In this case if you go through section 36 you will find that this is not

the procedure prescribed under the Civil Procedure Code. A person makes a petition and not a plaint and the proceeding is not called a suit but an enquiry.

**Dr. NARESH CHANDRA SEN GUPTA:** Civil courts also deal with petitions and not only suits.

**Mr. C. S. DUTT:** Then the procedure to be followed by the Judge in that case who is not a court, as has been pointed out by Mr. S. M. Bose, is not the procedure prescribed under the Civil Procedure Code. Dr. Sen Gupta has evidently forgotten the provisions of clause (*f*) of section 44 of the Bengal Municipal Act, where it says that for the purpose of election of Commissioners the Local Government may, with respect to municipalities generally or to any municipality or class of municipalities, make such rules, as it may think fit, to regulate and determine the procedure to be followed by a Judge in inquiring into election petitions. I ask Dr. Sen Gupta to say whether this is a procedure under the Civil Procedure Code. Surely, Sir, it is quite obvious even to an ordinary layman that this is not a procedure under the Civil Procedure Code. It is the procedure of special machinery set up by the Legislature. The law has deliberately taken away the powers of the civil court and has prescribed a summary procedure in order to guard against excessive delay and expenditure. Those are the two points on which Mr. Kasem and Rai Bahadur Jogesh Chandra Sen very rightly laid stress. We know very well that although the civil courts enjoy the confidence of the public, yet it is not disputed that suits in such courts entail a great deal of expense and delay, and I am sure it is the intention of the Legislature to protect the poor man from such delay and expense. Dr. Sen Gupta thinks that because many petty cases are taken to the High Court nowadays, there is no reason why these petty cases should not also be taken there. He thus himself admits the necessity and force of the position taken up by Government. For it is obviously undesirable that petty cases should be unnecessarily taken up to expensive courts; and if the present law permits this, as Dr. Sen Gupta admits, then the sooner the legislature stepped in to prevent this, the better.

Then, again, Sir, if the Judge sitting under section 37 of the Bengal Municipal Act is to be described as a court or a tribunal, then I maintain that the District Magistrate sitting under clause 17B should also be described as a court or tribunal because he will have to take evidence and deal with the matter in the manner of a regular case, in which further, an appeal lies to the Commissioner. Then, there is also the question of the volume of the work which is involved. There are no less than five to six thousand union boards in Bengal. Does Dr. Sen

Gupta visualise the effect of dragging every little union board election matter to a civil court when there are nearly 6,000 of these small bodies? Surely, Sir, whatever may be Dr. Sen Gupta's intention, such a thing cannot be the intention of the Legislature.

**Babu KHETTER MOHAN RAY:** On a point of order, Sir. Will the hon'ble member be pleased to state the number of election suits instituted up to date in connection with union board elections?

**Mr. C. S. DUTT:** If it were put in the form of a Council question, Government would collect the figures. Then it is quite clear that this very Legislature has, in the case of the Bengal Municipal Act, accepted the principle that the jurisdiction of the civil courts must be ousted to prevent delay and expense. If that is so in the case of the 117 municipalities in Bengal where much more intricate and much more important business is transacted, then it is obviously much more imperative that the jurisdiction of the civil courts should also be ousted in the case of the union boards in order that inordinate delay and expense may be avoided in connection with petty elections; otherwise, this Legislature will be failing in its duty with regard to the people in the rural areas. With these words, Sir, I oppose the motion.

Babu Khetter Mohan Ray's motion was then put and lost.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I beg to move that in clause 8 (proposed section 17B) after the word "election," in line 1, the following be inserted, namely:

"of a member."

It is a merely verbal amendment and I do not think it requires much explanation.

**Dr. NARESH CHANDRA SEN GUPTA:** In that case would it not require further amendment?—"Election of a member of a union board or election.....to a union board."

I think the word "to" may also be substituted for the word "of."

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I think, Sir, it is all right as it is.

The motion was put and agreed to.

The motion that clause 8 as amended stand part of the Bill was put and agreed to.

*Preamble.*

The motion that the Preamble stand part of the Bill was put and agreed to.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1935, as settled in Council, be passed.

The motion was put and agreed to.

**Adjournment.**

The Council was then adjourned till 3 p.m. on Friday, the 22nd February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 22nd February, 1935, at 3 p.m.

**Present:**

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 85 nominated and elected members.

## STARRED QUESTIONS

**(to which oral answers were given).**

### Education of the scheduled castes.

*32. **Babu AMULYADHAN RAY:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that under the auspices of the All-Bengal Depressed Classes' Federation the second session of the Bengal Scheduled Castes' Conference was held under the presidency of Rai Sahib Panchanan Barma, M.L.C., at Bongaon on the 7th and 8th October, 1934?

(*b*) Have the Government received a report of the said Conference?

(*c*) Is the Hon'ble Minister aware that the Conference adopted unanimously a resolution to request Government to set apart 10 lakhs of rupees annually for education of the scheduled castes and to appoint a Special Educational Director for this purpose?

(*d*) Is the Hon'ble Minister aware—

(*i*) that the United Provinces Government have appointed a Special Director to look after the education of the scheduled castes; and

(*ii*) that that Government are setting apart annually a large sum of money for this purpose?

(*e*) Has any action been taken on the resolution referred to in (*c*)?

(*f*) If the answer to (*e*) is in the affirmative, what action has been taken?

(*g*) If no action has yet been taken what are the reasons?

(*h*) Are the Government prepared to take any step in this connection?

**MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque):** (*a*), (*b*) and (c) Yes.

(*d*) and (*e*) No.

(*f*) Does not arise.

(*g*) and (*h*) The present condition of provincial finances would make it impracticable to set aside the large sum of Rs. 10 lakhs, even it were considered desirable, and Government do not consider that the appointment of a Special Educational Director justified. The Government are taking all steps to ensure the progress of education among the scheduled castes.

## UNSTARRED QUESTIONS

**(answers to which were laid on the table)**

### Shed for steamer passengers at Khulna.

**12. Babu SUK LAL NAG:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that several steamers start from and touch at the Khulna station daily; and

(*ii*) that the passengers, specially the fair sex among them, suffer from the inclemency of the weather during the rainy season?

(*b*) Are the Government considering the desirability of taking steps to have a shed erected for the steamer passengers at Khulna?

**MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead):** (*a*) (*i*) and (*ii*) Yes.

(*b*) The Joint Steamer Companies have arranged to lease a plot of land from the railway and a waiting room will be erected thereon for the use of passengers.

### Third class female waiting room at the Khulna railway station.

**13. Babu SUK LAL NAG:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railway) Department be pleased to state whether it has been brought to the notice of the Government—

(*i*) that the third class female waiting room at the Khulna railway station is too small in proportion to the importance of the station;

(ii) that the urinal attached to the said waiting room is not regularly cleansed; and

(iii) that the obnoxious smell coming out of the said latrine tells seriously upon the convenience as well as upon the health of the passengers concerned?

(b) If the answers to (a) are in the affirmative, are the Government considering the desirability of taking steps with the proper authorities for the removal of the inconvenience as early as possible?

**MEMBER in charge of PUBLIC WORKS (RAILWAY DEPARTMENT (the Hon'ble Sir John Woodhead):** (a) No. Government are informed that—

(i) the third class female waiting room is adequate for the number of female passengers normally using it;

(ii) the urinal is cleansed regularly;

(iii) every endeavour is made to prevent obnoxious smells. The attention of the staff is, however, being drawn to the matter.

(b) Does not arise.

**Maulvi SYED MAJID BAKSH:** Has the Hon'ble Member made it certain that the waiting rooms are not insanitary?

**The Hon'ble Sir JOHN WOODHEAD:** In my reply to the question I said: "Government are informed." That means, Sir, that the reply was based upon information supplied by the railway administration.

**Bharadia-Dighirpar khal project in Kishoreganj.**

**14. Babu SATISH CHANDRA RAY CHOWDHURY:** (a) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether it is a fact that the Government ordered that a survey be made and levelling be taken for the purpose of the excavation and re-excavation of a canal from Bharadia under police-station Katiadi to Dighirpar under police-station Bajitpur within subdivision Kishoreganj (Mymensingh) to give a direct connection between the two main streams of the district, namely, the Brahmaputra and the Ghorautra, both as a matter of irrigation and navigation?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state what progress has been made with the work?

(c) Is the Hon'ble Member aware—

(i) that a large part of the scheme of excavation referred to in (a) comprises an area known as the Sararchar union; and

(*ii*) that the said union is full of water-logged areas and is the hot-bed of a very malignant type of malaria as revealed in the report of the malaria expert Dr. Sur deputed by the Government for investigation in 1932?

(*d*) Do the Government realise that the proposed canal will benefit both health and irrigation in the locality at a comparatively small cost?

(*e*) Are the Government considering the desirability of expediting the matter?

**MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin):** (*a*) No. Government desired the persons moving in the matter to be advised either to apply to the Collector for the undertaking of the work under Act VI of 1920 or to approach the district board for re-excavation of the khal. The Irrigation Department will assist by taking the water levels of the two rivers concerned during the next rains, in order to make sure that there is no danger of diverting either river into the course of the other.

(*b*) Does not arise.

(*c*) (*i*) and (*ii*) Yes.

(*d*) Until a proper survey is made and levels are taken, it is not possible to speak definitely on this point.

(*e*) The matter rests with the local people.

**Pay and pension of process-servers.**

**15. Maulvi ABDUL HAMID SHAH:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government have received a copy of the proceedings of the Bengal Process-servers' 15th Annual Conference held at Berhampore on the 27th December last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member please state their decision on the resolution for pension?

(*c*) Are the Government proposing to take into their consideration the resolution for full-pay leave?

**MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter):** (*a*) Yes.

(*b*) No action is proposed to be taken at present.

(*c*) The resolution concerns District Officers only. Government have already issued orders that the leave salary of process-servers should be regulated by the provisions of F. R. 87.

**Salt industry in Bengal.**

**16. SETH HUNUMAN PROSAD PODDAR:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state what action have they taken in regard to the encouragement of salt industry on a cottage industry basis in Bengal?

(*b*) Have the Government received any application for help from persons or companies that desire to manufacture salt in Bengal?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what sort of help was required and what have the Government decided on each application?

(*d*) Are the Government prepared to consider favourably more of such applications?

**MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead):** (*a*) The member is referred to my speech in the Council on the 13th March, 1934, in which the whole position regarding encouragement of the manufacture of salt in Bengal, including the possibilities of the cottage industry, was reviewed. The sanction of the Government of India has since been obtained to the establishment, as an experimental measure, of two warehouses—one at Contai in the district of Midnapore and the other at Cox's Bazar in the district of Chittagong. The warehouse at Contai has already been started, and it is proposed to proceed with the Cox's Bazar portion of the scheme in March, 1935, if experience of the working of the Contai warehouse by that time shows that the experiment has a reasonable prospect of success.

The question was also referred to the Board of Industries which is a statutory body constituted under the Bengal State Aid to Industries Act. Local investigations were made by the Industrial Chemist, and the Board have reported that there is no possibility of the manufacture of salt on comprehensive lines as a cottage industry in Bengal.

(*b*) Yes.

(*c*) A statement is laid on the library table.

(*d*) Yes, each application will be considered on its merits.

# BUDGET OF THE GOVERNMENT OF BENGAL, 1935-36.

The Hon'ble Sir John Woodhead presented the Budget of the Government of Bengal for 1935-36. He said:—

This is the third occasion on which it has been my privilege to present to the Legislative Council the budget estimates of Bengal, and

fortunately the story I have to tell this year discloses a distinct improvement in our financial outlook. This improvement is due, however, not to any substantial recovery in the yield from provincial sources of revenue but to the decision taken last March by the Central Government and the Central Legislature to make to the jute-producing provinces, which of course means mainly Bengal, a grant equal to half the proceeds of the jute export duty. The grant was subject to an important condition which I discussed at length when introducing the taxation measures which have now been referred to Select Committees. For the purposes of our estimates we have assumed that that condition will be held to have been satisfied. In order to enable themselves to make this grant, the Central Legislature imposed an excise on matches; but as this excise was not likely during the current year to produce more than 8 months' full revenue, we were told that we may expect the grant for the current year to amount to about Rs. 111⅓ lakhs. This is the figure that we have taken in our revised estimates; but we hope for more than this; for the Hon'ble Finance Member of the Government of India clearly stated that the grant would be raised to a 12 months' level if the outturn of the Central Budget made that possible. The grant we expect to get next year is Rs. 158 lakhs.

2. In my budget speech last year I drew attention to the extremely low level to which the prices of the two principal agricultural products of Bengal, jute and rice, had fallen during the year 1933 and expressed the hope that, although there were at the time no indications that the year 1934 would be marked by a considerable improvement in the prices of these two primary products, prices during that year would exhibit some measure of recovery. Unfortunately, as regards jute, that hope has not been fulfilled, for during the harvest season of 1934 the price of jute was, if anything, lower than in 1933. It is true that the price has since risen considerably in consequence of the announcement of the voluntary restriction scheme, but the rise came too late to be of material benefit to the large majority of the cultivators. Paddy prices, however, fared better. Prices during 1934 were higher than during 1933, and prices to-day are better than they were early in 1934, but they are still at a low level. The course of agricultural prices was not favourable to a substantial recovery in our receipts, and although the estimated yield, Rs. 805 lakhs in 1934-35, from our five main heads of revenue, viz., Land Revenue, Excise, Stamps, Forests and Registration, is slightly better than that in the year 1933-34, it is still Rs. two crores below the receipts for the year 1929-30, the year immediately preceding the onset of the trade depression.

3. Both last year and the year before I dwelt on the heavy additional expenditure thrown on the revenues of the province by the terrorist movement. This additional expenditure is a factor which has contributed in no small measure to the difficulties of our financial position,

and unfortunately it continues to be a very heavy burden on our resources. In the year 1934-35 this expenditure, according to the revised estimates, is Rs. 57 lakhs, and the budget for 1935-36 makes provision for 62¼ lakhs. The figures for the years 1931-32, 1932-33 and 1933-34 are Rs. 21½ lakhs, Rs. 47 lakhs and Rs. 53¾ lakhs, respectively; so by the close of the year 1935-36 the promoters of anarchy will have involved the province in expenditure amounting to Rs. 241½ lakhs and interest charges thereon amounting to Rs. 21 lakhs—a total expenditure of Rs. 262½ lakhs. This figure of Rs. 262½ lakhs is a very large one indeed, and might I ask members of the Council to pause for a moment and consider how different our financial position would be if we had not been faced, and were not still faced, with this unproductive expenditure? By the end of 1935-36 I estimate that the total deficit debt of the province will be in the region of Rs. 559½ lakhs; it may be less, but is not likely to exceed that figure. Of course, that is assuming that we receive the grant from Central Revenues out of the jute export duty. If the province had escaped the civil disobedience and terrorist movements, the deficit debt, at the close of the current year, would be less by nearly one-half; instead of being in the region of Rs. 5½ crores it would be less than Rs. 3 crores. Again according to the budget estimates for 1935-36 the excess of expenditure over receipts on revenue account is Rs. 69 lakhs; but if the province had not been infected with the terrorist blight, the excess would be only Rs. 6¾ lakhs. As I said last year, it is nothing short of a catastrophe that movements subversive of law and order should have placed such a large additional burden on the resources of the province.

4. During the last Budget session members of the Council were provided with a statement incorporating the decisions reached by Government up to the 31st January 1934, on the recommendations of the Retrenchment Committee, and a few days ago members were supplied with an addendum to that statement giving particulars of the decisions taken since that date. The figure for the ultimate saving in expenditure given in the statement issued a year ago is Rs. 40½ lakhs and that in the addendum is Rs. 47½ lakhs. This question of retrenchment was discussed in considerable detail during the debates on the taxation measures and I do not therefore propose to say anything further on this matter to-day.

I now turn to the details of the Estimates. As in in the past I shall endeavour to confine myself to the salient features, but if any member requires further information on any point which he cannot find in the Estimates themselves or in the Financial Statement which accompanies them, both Mr. Gladding and I will be pleased to see him either here or in Writers' Buildings, while my colleagues will be glad to assist in respect of the departments under their several charges.

### 1933-34.

The year 1933-34 opened with a balance of Rs. 13¼ lakhs, and in the Revised Estimates the total receipts on Revenue and Capital account, inclusive of the opening balance but exclusive of the advance to be taken to cover the deficit, were estimated at Rs. 9 crores 75 lakhs. The actual receipts of Rs. 9 crores and 72 lakhs were less than anticipated by only Rs. 3 lakhs, the decrease being largely due to the actual recoveries of loans and advances made by the Government of Bengal being Rs. 2 lakhs less than estimated. On the expenditure side the total actual expenditure of Rs. 11 crores 14¼ lakhs on Revenue and Capital account was less by Rs. 18 lakhs than the Revised Estimate of Rs. 11 crores 32¼ lakhs. The net result was that, after providing for the Famine Relief Fund, the deficit in the year stood at Rs. 1 crore 56 lakhs, an improvement of Rs. 14 lakhs over the figure anticipated in the Revised Estimates.

### 1934-35.

In the Budget Estimates the receipts on Revenue account were placed at Rs. 9 crores 19½ lakhs. According to the Revised Estimates the figure is Rs. 10 crores 51½ lakhs. Out of the increase of Rs. 1 crore 32 lakhs, Rs. 1 crore and 11½ lakhs is accounted for by the grant of half the jute duty, calculated on an 8 months' basis, which we hope to receive from the Government of India, and the balance of Rs. 20½ lakhs represents a small improvement in the receipts under the provincial heads of revenue. Land Revenue is expected to be better by Rs. 17 lakhs, Forests by Rs. 2¼ lakhs and Registration by Rs. 5 lakhs, but as against these improvements has to be set off an anticipated decrease under Excise of Rs. 5 lakhs. On Capital account the Revised Estimates show an increase of Rs. 4 lakhs due to the decision to take an advance from the Government of India in order to grant a loan to the Maharaja of Susang. Taking both Revenue and Capital receipts together, the Revised Estimates provide for a total revenue, exclusive of the advance to cover the deficit, of Rs. 11 crores 12¼ lakhs. On the expenditure side, it is anticipated that the total expenditure on Revenue and Capital account will be Rs. 11 crores 59½ lakhs, which is Rs. 19¾ lakhs less than the budget figure inclusive of the supplementary grants. The net result as regards the present year is that we now expect to close with a deficit of Rs. 46 lakhs instead of Rs. 1 crore 94 lakhs as originally estimated.

### 1935-36.

I now turn to the coming year. The Council will find explanations of the chief variations in the Financial Statement, and I shall only

deal with the main points. Conditions are too uncertain to warrant us taking an optimistic view of revenue prospects during the coming year, and, apart from an increase of Rs. 46¾ lakhs in our share of the jute export duty, the budget figures for receipts on Revenue account follow closely the revised. The receipts on Capital account also call for no comment. Exclusive of the advance to be taken to cover the anticipated deficit, the estimate of the total receipts on Revenue and Capital accounts stands at Rs. 11 crores 60 lakhs as against Rs. 11 crores 12¼ lakhs during the present year.

As regards expenditure, the Estimates provide for an expenditure on Revenue account of Rs. 11 crores 71½ lakhs. The increase of Rs. 54 lakhs over the Revised Estimate of the present year is explained in an Appendix attached to the printed copy of this speech. The Council will notice that the restoration of the 5 per cent. cut in pay, the restoration of the provision for the reduction of debt, the cost of preparing electoral rolls, the increase in the additional expenditure thrown on the province by the terrorist movement, the increase in interest and pensionary charges and additional expenditure on roads from the Central Road Development Fund and from the proceeds of the taxes on motor vehicles account for Rs. 50½ lakhs out of the total increase of Rs. 54 lakhs. The balance is spread over a large number of budget heads. The Council will no doubt be glad to see that Rs. 60,000 has been provided as an addition to the normal quinine grant of Rs. 1,20,000, Rs. 12,500 for a grant to the Tuberculosis Hospital at Jadavpur, Rs. 19,000 for the establishment of a power loom weaving section at the Government Weaving Institute at Serampore, Rs. 10,000 for the purchase of new silk-cleaning and twisting machinery for the Silk Weaving and Dyeing Institute at Berhampore, Rs. 44,000 for the provincialisation of the Sakhawat Memorial High School for Moslem girls, and Rs. 14,000 for the erection of a Moslem Hostel at the Krishnagar College.

I have dealt on many occasions with Bengal's case for an equitable financial settlement, and I do not propose to go over the ground again to-day. Members have also doubtless studied the Government of India Bill, and here again I do not propose to weary the House by an examination of its financial provisions. I will content myself by inviting the attention of the House to one clause, and that is clause 137 which deals with the allocation of the jute export duty. According to that clause one half, or such greater proportion as His Majesty in Council may determine, of the net proceeds of the jute export duty shall not form part of the revenues of the Federation but shall be assigned to the provinces or Federated States in which jute is grown. As I indicated when speaking on the taxation measures 10 days ago, the Joint Select Committee approved of the proposal made in the White Paper that a financial enquiry should be held at the last date before

the inauguration of the new Constitution. At the time of that enquiry we shall have once again to press our case, not only for the whole of the proceeds of the jute export duty, but also for an adjustment to cover the excess of expenditure over receipts on Revenue account that has accumulated since the year 1930-31 and for the assignment to the provinces from the outset of the new Constitution of a substantial proportion of the provincial share of the proceeds of taxes on income. The Council may rest assured that we shall not relax our efforts to obtain for Bengal what we all consider Bengal can justly claim, a settlement which will place the finances of the province on a sound basis and which will permit of the development of the more beneficial activities of Government beyond the present inadequate standards.

## APPENDIX.

(In thousands of rupees.)

| | | Rs. |
|---|---|---|
| 1. | The restoration of the 5 per cent cut in pay .. .. | 17,00 |
| 2. | Reduction or avoidance of debt .. .. .. | 10,00 |
| 3. | Preparation of electoral rolls .. .. .. | 5,00 |
| 4. | Increase in the additional expenditure thrown on the province by the terrorist movement .. .. .. | 5,04 |
| 5. | Increase in interest charges .. .. .. | 2,54 |
| 6. | Increase in the provision for superannuation allowances and pensions in India and England .. .. .. | 3,79 |
| 7 | Increase in the expenditure from the Central Road Development Fund and the provincial taxes on motor vehicles .. | 7,28 |
| 8. | Additional cost during the year 1935-36 on account of the appointment of two Additional Judges and their staff in the High Court .. .. .. .. | 58 |
| 9. | Reorganization of the Bengal Civil Service (Judicial) .. | 40 |
| 10. | Provincialization of the Sakhawat Memorial High School for Moslem girls in Calcutta .. .. .. | 44 |
| 11. | Grant to the Tuberculosis Hospital at Jadabpur .. | 12 |
| 12. | Additional quinine grant . .. .. | 60 |
| 13. | Increased provision for Land Mortgage Banks .. .. | 11 |
| 14. | The establishment of a power loom weaving section at the Government Weaving Institute at Serampore .. .. | 19 |
| 15. | Purchase of new silk-cleaning and twisting machinery for the Silk Weaving and Dyeing Institute at Berhampore .. | 10 |
| 16. | Grants-in-aid to the Bengal Home Industries Association and the "Good Companions" for marketing the products of cottage industries .. .. .. .. | 21 |
| 17. | Moslem hostel at Krishnagar College .. .. | 14 |
| 18 | Improvement to the lavatories and bath-rooms in the Medical College hospitals .. .. .. .. | 22 |
| 19. | Extension of the building of the Registration Office at Barisal | 15 |
| 20. | Construction of a settlement record room at Dinajpur .. | 30 |

| | | Rs. |
|---|---|---|
| 21. | Strengthening the inspectorate and clerical staff in the office of the Electrical Adviser and Chief Electric Inspector, Bengal (offset by an increase in fees) .. .. | 13 |
| 22. | Special repairs to the buildings for the Eden High School for girls at Dacca .. .. .. .. | 15 |
| 23. | Supply of furniture and the cost of binding registers and indexes in Registration offices .. .. .. | 10 |
| 24. | Payment of arrear commission to the Official Receiver .. | 30 |
| 25. | Extension of the Cattle Improvement Scheme .. .. | 8 |
| | Total .. | 54,97 |

## Adjournment.

The Council was then adjourned till 2 p.m., on Monday, the 25th February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 25th February, 1935, at 3 p.m.

**Present:**

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 90 nominated and elected members.

## STARRED QUESTIONS

**(to which oral answers were given).**

### Quinine.

*33. **Rai Dr. HARIDHAN DUTT Bahadur:** (a) Is the Hon'ble Member in charge of the Revenue Department aware that sale and use of quinine is not entirely a commercial proposition but has a public and national health aspect?

(b) Has the attention of the Government been drawn to the remarks in the Report of the Drug Enquiry Committee, 1930-31, on the quinine policy which stated that the factor which militates against the more extended use of quinine is the high price and further that the root cause of extensive adulteration of this drug is its high price?

(c) Is the Hon'ble Member aware—

(i) that much more quinine is available than is actually consumed;

(ii) that the selling prices of every commodity has gone down due to the current world wide trade depression; but the price of quinine has not been reduced yet?

(d) Will the Hon'ble Member be pleased to state the reasons—

(i) for fixing the selling price of quinine at such a high rate as Rs. 18 per lb.;

(ii) for putting a ban against the sale of quinine to the trade and general public; and

(iii) for confining its distributing centre inside the Presidency Jail at Alipore?

(*e*) Is the Hon'ble Member aware that the cost of manufacture of quinine in Government factory is below Rs. 8 per lb.?

(*f*) Is it a fact that the Kina Bureau, a foreign syndicate which control quinine prices, has entered into an arrangement by which they will get the accumulated stocks of Indian quinine or a part of it at a rate much below Rs. 18 per lb.?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state at what rate has the deal been made or about to be made, and also the grounds which weighed with the Government for striking the deal at a lower rate?

(*h*) Are the Government considering it desirable that measures should be taken to have sufficient quinine manufactured in Bengal and sold at a cheap price?

(*i*) Is the Hon'ble Member aware that a recognised method of cheapening of a manufactured commodity is by promoting healthy competition amongst manufacturers and distributors of that commodity?

(*j*) If the answer to (*i*) is in the affirmative, is the Hon'ble Member considering the desirability of bringing about circumstances which might encourage manufacturing of quinine in Bengal by reliable manufacturers and help cheap distribution of the same?

(*k*) Are the Government considering the desirability of appointing without delay a committee to investigate the measures that should be adopted to encourage manufacture of quinine by reliable manufacturers in Bengal and to report to this Council at an early date their recommendations on the subject?

**MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter)**: (*a*) Yes.

(*b*) Yes, but it has been noticed that when quinine prices fell, consumption did not materially increase.

(*c*) (*i*) Yes.

(*ii*) Quinine prices fell very heavily before the depression period, and have remained almost stationary, in spite of the depression.

(*d*) (*i*) The price of Government quinine is fixed in relation to the world market rate of the drug.

(*ii*) There is no such ban.

(*iii*) The Presidency Jail has been made the distributing centre for reasons of convenience and economy, but Government quinine is for sale at every post office.

(*e*) Yes, according to the method of accounting used in the factory. But this figure is probably too low, *vide* paragraph 384 of the report of the Drugs Enquiry Committee of 1930-31.

(*f*) No.

(*g*) Does not arise.

(*h*) The member is referred to the speech delivered by the Hon'ble Member, Revenue Department, on the 11th February, 1935, in the Bengal Legislative Council, in connection with several Council Resolutions on this subject.

(*i*) Yes, but this method is hardly applicable to quinine.

(*j*) Government consider that it is the consumption rather than the manufacture of quinine that requires to be stimulated.

(*k*) Does not arise in view of the reply to clause (*j*).

**Rai Bahadur Dr. HARIDHAN DUTT:** With reference to (*f*), was any such proposal being considered or is being considered now?

**The Hon'ble Sir BROJENDRA LAL MITTER:** Some proposals were made and some negotiations are going on. I am not in a position to disclose anything further.

**Rai Bahadur Dr. HARIDHAN DUTT:** Can the Hon'ble Member assure the House that these negotiations will not be put a stop to?

**The Hon'ble Sir BROJENDRA LAL MITTER:** I can give no assurance whatever

**Rai Bahadur SATYA KINKAR SAHANA:** With reference to (*h*), what step, if any, as indicated in the Hon'ble Member's speech on the 11th February, has been taken by the Government for the distribution of more quinine?

**The Hon'ble Sir BROJENDRA LAL MITTER:** No definite conclusion has been reached yet. But I am in a position to assure the Council that in the next financial year a great deal of more quinine will be available for free distribution than now.

**Rai Bahadur Dr. HARIDHAN DUTT:** With reference to (*i*), what is the reason that this method is not practicable?

**The Hon'ble Sir BROJENDRA LAL MITTER:** Because there is no competition among manufacturers in India.

**Cost for survey and settlement operations.**

*34. **Babu PREMHARI BARMA:** With reference to the answe given to my starred question No. 23 on the 19th December, 1934, wil the Hon'ble Member in charge of the Revenue Department be pleasec to state—

(*i*) what the recommendations of the Bengal Retrenchment Com mittee, 1932, were in relation to the realisation of costs fo: survey and settlement operations in any district;

(*ii*) whether it is realised that it is somewhat iniquitous that th landlords and tenants of one district should be made to pa more *pro rata* towards the survey and settlement costs tha those of another district, and

(*iii*) whether the Hon'ble Member will be considering that the addi tional amount should rather be borne by Government t equalise the said rate of realisation in the different districts?

**The Hon'ble Sir BROJENDRA LAL MITTER:** (i) That 87½ pe centum of the costs should be recoverable.

(*ii*) No. This is inevitable.

(*iii*) No. Government adhere to their decision of September, 1933 that in future 80 per centum of the costs should be recoverable. Th rate of realisation in different districts cannot be equalised withou reversing this decision or giving retrospective effect to it.

**Maulvi SYED MAJID BAKSH:** Is it not a fact that previous to the decision 66½ per cent. was recoverable?

**The Hon'ble Sir BROJENDRA LAL MITTER:** No, it was 75 per cent.

**Maulvi SYED MAJID BAKSH:** What was the consideration under which the percentage of recovery was raised?

**The Hon'ble Sir BROJENDRA LAL MITTER:** The Retrenchment Committee recommended 87½ per cent., but Government decided that 80 per cent., would be just and equitable.

**Maulvi SYED MAJID BAKSH:** Is it not creating a very great hardship in these days among persons who are affected?

**The Hon'ble Sir BROJENDRA LAL MITTER:** I have no doubt that whenever a rate is raised it causes some amount of hardship, but it is inevitable.

## UNSTARRED QUESTIONS

**(answers to which were laid on the table)**

### Cottage Industries.

**17. Babu JATINDRA NATH BASU:** (*a*) Has the attention of the Hon'ble Minister in charge of the Agriculture and Industries Department been called to the important work that is being done by the Bengal Home Industries Association in collecting products of cottage industries and small industries in this province, making them known to markets in this country and abroad?

(*b*) Is the Hon'ble Minister also aware that the management of the Association has been reorganised and that the work undertaken by the Association is steadily improving?

(*c*) Are the Government considering the desirability of making a substantial recurring grant to the Association as in the past?

(*d*) Is the Hon'ble Minister aware that the important work of the Association may languish at this stage for lack of financial support?

**MINISTER in charge of ACRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab K. C. M. Faroqui, Khan Bahadur):** (*a*) and (*b*) Yes.

(*c*) A provision of Rs. 18,000 for a grant to the Association during the next financial year has been made in the budget and will be submitted to the vote of the Council.

(*d*) Does not arise.

**Rai Bahadur SATYENDRA KUMAR DAS:** With reference to (*c*) whether a similar grant will be available for similar deserving institutions in future?

**The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur:** Every case is examined on its own merits.

**Mr. SHANTI SHEKHARESWAR RAY:** What is the income from all other sources as referred to in the reply?

**The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur:** I want notice.

## GOVERNMENT BUSINESS

## LEGISLATIVE BUSINESS

## GOVERNMENT BILLS.

### The Albert Victor Leper Hospital Bill, 1935.

The Hon'ble Sir Bijoy Prasad Singh Roy presented the Report of the Select Committee on the Albert Victor Leper Hospital Bill, 1935.

### The Court-fees (Bengal Amendment) Bill, 1935.

**The Hon'ble Sir BROJENDRA LAL MITTER:** I move that the Court-fees (Bengal Amendment) Bill, 1935, as reported by the Select Committee, be taken into consideration.

Sir, the Bill was subjected to the most careful examination in the Select Committee and a number of changes were made with a view to carry out the main purposes of the Bill entailing the least hardship on litigants.

I shall refer to the principal changes. In the Bill it was provided that a plaint or a memorandum of appeal was liable to rejection if the proper fee was not paid within the prescribed time. The Select Committee relaxed this provision and it is now reported that an intermediate stage should be provided. Sometimes it happens that it is not possible to ascertain readily what the precise amount of court-fees payable on a particular case, is. In such a case it has been provided by the Select Committee that the Judge should fix a reasonable sum, having regard to the nature of the case, to be paid within a period to be fixed. In default of payment within that period the plaint or the memorandum is liable to be rejected, not dismissal of the suit or the appeal. Then when the actual amount of court-fee payable is ascertained, it has to be paid within the time fixed by the Court. In this case if the amount is not paid within the prescribed time then the penalty would be dismissal of the plaint or of the appeal. Thus, the change made by the Select Committee amounts to this: Instead of making dismissal the only sanction for non-payment, they have provided that rejection should be a sanction for non-payment of an intermediate sum. A summary amount which the Court will fix will have to be paid and then when the precise amount is ascertained the sanction of non-payment will be dismissal. This is liberalising the provision of the Bill. That is the first thing.

The second change is this: in suits for possession of land the existing law is variable; that is to say, in some cases the court-fee is assessed on 5 times the Government revenue, in other cases on 10 times the Government revenue. In a third class of cases it is 15 times the nett profit and in a 4th class of cases it is the market value. The result of these variable bases has been very anomalous as has been pointed out by the Taxation Enquiry Committee. It was one of the objects of the Bill that this anomaly should be got rid of and an equitable basis should be found for all classes of suits. Accordingly, the Bill provided that market value should be the basis of assessment of court-fees but the Select Committee thought that it ought not to be the market value but 15 times the nett profit arising out of any land. That is the change which has been made with regard to this point. Instead of different criteria one fixed criterion was proposed by the Bill. But the criterion has been altered by the Select Committee. The third important change is in the machinery for valuation. The Bill provided an elaborate machinery under which reference had in some cases to be made to the Collector to make a valuation, periodical maps and charts had to be prepared which were expected to be guides to the Court in arriving at a proper valuation of land. The Select Committee thought that this machinery was much too cumbrious in that it introduced the intervention of Revenue authorities into matters which were completely under the jurisdiction of civil courts. In that view the Select Committee has recommended that valuations should be made by the Court itself. Under the existing law in many cases the Court is bound by any arbitrary valuation which the plaintiff choses to put upon a suit and the Court has no power to rectify that. The Bill suggested that the courts, both trying and Appellate, should have the power of revising the valuation for the purposes of court-fee. This has been retained by the Select Committee. What the Select Committee has done however is this: Instead of the elaborate machinery proposed by the Bill they have left the matter to the judgment of the Court itself, that is to say, the Court may, in case of need, appoint a commission to make valuation. That is the third change. The Select Committee however did not alter the power which was sought to be given to the Court by the Bill to revise valuation at any stage.

In the Bill there was a provision for an *ad valorem* fee on a reference under the Land Acquisition Act. When an owner of the land acquired was not satisfied with the Collector's award, he could go to the civil court. An *ad valorem* fee was proposed in the Bill for the excess claimed, but the Select Committee thought that the existing practice was adequate in these cases. They took the view that after all when the land was being compulsorily acquired the owner should have the power to go to the civil court in the matter of compensation without having to pay a heavy court-fee. If the man is dissatisfied he should not be penalised by requiring him to pay an *ad valorem* court-fee.

The last important change made by the Select Committee is in the matter of election petitions. They have reported Rs. 15 as the fee to be payable for all election petitions.

Sir, these are all the material changes made by the Select Committee. When I moved for reference of the Bill to the Select Committee I expressed the hope that with the help of 15 or 16 members constituting the Select Committee a satisfactory solution could be arrived at. Sir, I am glad to say that though the Bill has been changed it has emerged out of the Select Committee in an improved form. All the changes are towards the relaxation of the rigour of the court-fee law. It is a great improvement on the existing state of things under which the court-fee charges are anomalous. It is an improvement on the existing system under which leakage of revenue is easy. The machinery which has been provided by the Select Committee is calculated to stop this. It is calculated to charge an equitable court-fee in all cases. I need not take up the time of the House with any further observations. Many of the clauses will come up for discussion and I will have opportunities to say what I have got to say further in course of discussion.

The motion was put and agreed to.

*Clauses 1 to 5.*

The motion that clauses 1 to 5 stand part of the Bill was put and agreed to.

*Clause 6.*

**Babu KHETTER MOHAN RAY:** I move that for clause 6, the following be substituted, namely:—

nd. of m 6. "6(*1*). Section 6 of the said Act shall be transferred from Chapter III and inserted after section 5 in Chapter II and in that section as thus transferred for the words 'be paid' the words 'has been paid' shall be substituted, and

(2) To the said section as so amended the following proviso shall be added, namely:—

'Provided that nothing in this section shall prevent the registration of a plaint or memorandum of appeal in its presentation in a Court, subject to the power of the Court to reject such plaint or memorandum of appeal if the proper fee in respect thereof is not paid within such time as may be allowed by the Court in this behalf'."

Sir, in the Bill as it has come out of the Select Committee clause 6 runs—

6. (*1*) Section 6 of the said Act shall be transferred from Chapter III and inserted after section 5 in Chapter II and [*to*] section 6 as thus

transferred [*the following proviso shall be added, namely*:—] shall be re-numbered as sub-section (*1*) of section 6 and in that section as so re-numbered for the words "be paid" the words "has been paid" shall be substituted.

(*2*) To the said section as so re-numbered and amended the following sub-section shall be added, namely:—

"(*2*) Notwithstanding anything contained in sub-section (*1*) or in any other Act, a Court may receive a plaint or memorandum of appeal in respect of which an insufficient fee has been paid, subject to the following conditions, namely:—

(*a*) no such plaint or memorandum of appeal shall be registered unless the plaintiff or appellant has, before such date as the Court may have fixed in this behalf, paid to the Court such reasonable sum on account of court-fee as the Court may direct;

(*b*) the Court shall reject the plaint or memorandum of appeal if the sum referred to in clause (*a*) is not paid before the date fixed by the Court."

Under the present practice, the Court has ample power to receive plaints or any documents on insufficient court-fee. But under the present Bill the power of the Court has been restricted. This practically amounts to amending the Civil Procedure Code. Therefore, in the circumstances I think that the existing practice should continue as it is working well. Every person is entitled to put in his plaint on insufficient court-fee. If it is found insufficient, the Court arbitrates that within a certain period the precise fee should be deposited in the Court. If it is not so deposited, then the petition is rejected and the plaint is destroyed and there is no record kept. But in the clauses, as they stand, certain difficulties would arise. Depositing a certain amount in the Court—that deposit would be a judicial deposit and the Court will have no power to dispose of that deposit. Then, how is that deposit to be utilised unless there is an express provision for it? This, as I have already said, would amount to an infringement of the Civil Procedure Code.

Moreover, these plaints are liable to be stolen. I know, of one occasion at least at Comilla when several thousand plaints were made on insufficient court-fees, and some of the plaints were stolen. If the provision for registration is not there such things may occur. I hope my amendment will be accepted.

**The Hon'ble Sir BROJENDRA LAL MITTER:** I am unable to accept this amendment. The provision with regard to the payment of court-fee has been made as liberal as possible. The recommendation of the Select Committee comes to this: A man comes with a plaint and

when he presents it, the Court says—you are suing for valuable lands, you will have to pay Rs. 10 for the present as court-fee, and the actual court-fee will be determined later on. If he pays Rs. 10 his plaint is registered and it is considered to be a suit properly filed. He can take out processes and take various other steps necessary in that suit. Then when the proper time comes the Court says that the precise fee has been determined at Rs. 12 and before I deliver the judgment you will have to pay Rs. 2 more. What is the reason for which we should change the provision?

Sir, there is another serious objection and it is this: Supposing that the plaint is registered in the first instance. After it is registered various steps are taken in the suit, costs are incurred and then the plaintiff does not pay the court-fee and the plaint is rejected. How is the court-fee and the cost to be recovered from him? After the suit had gone on for a time he found from the evidences offered by the defendant that he had no case, he must lose—then, he quietly slips away; who is to pay the costs and the court-fee? I strongly oppose the amendment.

The motion was then put and lost.

**Babu KHETTER MOHAN RAY:** Sir, I beg to move that in clause 6 (2), in proposed sub-section (2) of section 6, in line 2, for the word "receive" the word "register" be substituted.

Sir, the whole question is under what circumstances, with insufficient court-fee, a plaint should be registered; and two conditions have been imposed. It is not a question of *receiving* the plaint: the Court has already the power of receiving it; but, so far as I remember, even in the Select Committee when the draft was made the word used was "registered". The words inserted by the Select Committee are "Notwithstanding anything contained in sub-section (*1*) or in any other Act, a Court may receive a plaint or memorandum of appeal in respect of which an insufficient fee has been paid, subject to the following conditions—", and what I suggest is that the word "registered" be substituted for the word "receive". It does not alter the sense of the provision: it is a mere verbal alteration, and it does not come into conflict with the provisions of the Civil Procedure Code.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, if the amendment be accepted the section will be meaningless. Here, under the clause as it stands, a man comes and presents a plaint; it is received; then the Court says that the plaintiff has got to pay Rs. 5, and when he pays that amount the plaint is registered. What the amendment wants is that directly a man presents the plaint it must be registered. Now, it is subject to a condition, viz., that no such plaint or memorandum of appeal shall be registered unless the plaintiff or appellant

has, before such date as the Court may have fixed in this behalf, paid to the Court such reasonable sum on account of court-fee as the Court may direct. The amendment and the condition will be inconsistent with each other. It will be nonsense to have the word "registered" there. I, therefore, oppose the amendment.

The motion was then put and lost.

**Kazi EMDADUL HOQUE:** Sir, I beg to move that in clause 6 (2), in proposed section 6 (2) (*b*), line 3, after the word "paid" the words "on or" be inserted.

Sir, clause 6 provides that where a plaint or a memorandum of appeal is filed with insufficient court-fee, the Court, instead of summarily rejecting such a plaint or a memorandum of appeal, may at its discretion, receive it and grant time for the payment of deficit court-fee, fixing a date for it. Now, if a date is fixed for the payment of the deficit court-fee, it is only natural that time should be given up to the date so fixed. But, here the clause requires that the court-fee should be paid before such a date; that is to say if the court-fee is paid on the date which is fixed for the payment of the deficit court-fee, it will not do; as in that case the Court may reject the plaint. It seems preposterous. Apart from that, if it is made obligatory that the deficit court-fee is to be paid before the date fixed for the purpose, it will inflict great hardship on the litigant public; because if the deficit court-fee is paid in the interim, it is not unlikely that the paper bearing the deficit court-fee may be mislaid, and we very well know that it often happens. If a man pays the court-fee before the date fixed, he may not come on the date fixed to inquire whether the court-fee has been incorporated in the record. So, if he does not make an inquiry it may so happen that the paper bearing the court-fee has been mislaid, and the Court not finding it on record may reject the plaint, notwithstanding the fact that the court-fee has already been paid. I think that the men should not be harassed to come to the Court twice —once in order to pay the court-fee and then again to find out whether the court-fee filed in time has been placed on record. If he is made to come to the Court twice, it would surely entail some expenditure and loss of labour and time on his part and for the matter of that on the part of the litigant public.

For these reasons, Sir, I hope that the Hon'ble Member will kindly accept the amendment which I have moved.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, the amendment is unnecessary. Let us just see what it means. Under the recommendation of the Select Committee the Court will say to a plaintiff you have got to pay Rs. 5 before the 10th of March. The amendment proposes that the plaintiff has got to pay Rs. 5 *on or before* the 10th March.

We have followed the existing wording of the statutes, and there is no reason why we should depart from this. I oppose the amendment.

The motion was then put and lost.

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I beg, to move that in clause 6 (2) after proposed section 6 (2) (b) the following be added, namely:—

"(c) the provisions of order VII, rule 11 of the Code of Civil Procedure, 1908, shall be considered as amended to the extent provided in this section".

Sir, my amendment proposes that the new provision for granting time is an innovation. Under the present Court-fees Act, 1870, no plaint or appeal can be taken up or considered without being sufficiently stamped; but under the provisions of the Civil Procedure Code the plaint is being taken and some time allowed within which the court-fee is paid, and then the plaint is accepted and registered. In the present amending Bill a new thing is being introduced, viz., that if insufficient court-fee is paid within the time, the Court may, under such-and-such circumstances, grant time for receiving a certain amount of court-fee —any reasonable amount—and then allow the parties to pay the remaining amount within a certain time. For this reason, I think that my proposal is meant to reconcile the provisions of the Civil Procedure Code with those of the Court-fees Act. Now, if this innovation be accepted, the Court will have power to receive a part payment of the court-fee payable and allow the parties to pay the deficit amount within a certain time. This, however, contradicts the provision of the Civil Procedure Code to a certain extent, as there would be an anomaly. So, I have proposed this amendment whereby the provisions of the Civil Procedure Code will be amended to this extent. In that view of the matter, I have proposed my amendment and hope it will be accepted.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I have no quarrel with the object of the mover. The amendment is unnecessary. Sir, the Civil Procedure Code is the general law. Here, we are enacting a special law for the purpose of court-fees. I would refer my hon'ble friend to the general maxim, viz., *Generalia specialibus non derogant*,—special provisions will always control general provisions. This being a special provision, it will control the general provision. Therefore, the amendment would be redundant. One of the elementary canons of drafting is that you are not to say what is redundant. Therefore, I oppose it.

The motion was then put and lost.

The motion that clause 6 stand part of the Bill was then put and agreed to.

*Clause 7.*

**Mr. PRESIDENT:** The question is that clause 7 do stand part of the Bill.

*Amendment.*

**Mr. PRESIDENT:** Rai Bahadur Satish Chandra Mukherji———.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, before amendment No. 7 is taken up may I make a suggestion?

**Mr. PRESIDENT:** Yes, Sir Brojendra.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, if you put amendment No. 9 first, with certain verbal alterations, I am willing to accept it. I might mention that I have had talk with a large number of members, and they are agreeable that if this amendment be accepted, it would not be necessary to move many of the remaining amendments.

**Mr. PRESIDENT:** Do you mean to say that amendment No. 9, in an amended form, should be moved first and that if this is done, it would save a lot of time?

**The Hon'ble Sir BROJENDRA LAL MITTER:** Yes, Sir, I should think so.

**Mr. PRESIDENT:** Rai Bahadur Satish Chandra Mukherji, are you agreeable to yield to Mr. Narendra Kumar Basu moving a short-notice amendment first, with regard to amendment No. 9?

**Rai Bahadur SATISH CHANDRA MUKHERJI:** Sir, I think that my motion ought to be taken first.

**Mr. PRESIDENT:** In that case I have to allow the Rai Bahadur to move his amendment first.

**Rai Bahadur SATISH CHANDRA MUKHERJI:** Sir, I beg to move that clause 7 (3) be omitted.

Sir, the reason why I suggest this amendment is that there is a very great conflict of opinion over this clause of the Bill as will appear

from the tabled amendments. The question is whether, under the circumstances, the present amendment is an improvement or not. The law as it exists to-day is that it makes a distinction between various kinds of property in regard to the payment of court-fees. There are various kinds of interest in the land which generally form the subject-matter of litigation. And accordingly the present law makes this provision, that in the case of revenue-paying permanently-settled property in court-fees payable is ten times the revenue in the temporarily-settled property it is five times, and in some cases where no revenue is payable, fifteen times the nett profit, and where the land forms part of an estate, paying revenue to Government, but is not a definite share of such an estate, and is not separately assessed, it is the market value of the land, and lastly if it is land, or house or garden then according to the market value of the land, house or garden.

The Select Committee says that in all cases it shall compute the court-fee chargeable at fifteen times the nett profits which have arisen from the land, building or garden during the year next before the date of presenting the plaint, or if the Court sees reason to think that such profits have been wrongly estimated, fifteen times such amount as the Court may assess as profit. And if in the opinion of the Court such profits are not readily ascertainable or assessable, or where there are no such profits according to the value of the land, building or garden.

The question is whether the new Bill as amended seeks to impose a greater burden upon the litigant The point, Sir, that I am seeking to lay before the House and the Hon'ble Member for consideration is when litigation arises in respect of a property in computing court-fees according to the Bill, it will throw an additional burden on the litigant. It is an accepted principle that litigation should be as cheap as possible, and the amount of valuation which exists in the statute to-day in respect of such properties has never been objected to by the litigating public. The question is whether any case has been made out for abolishing the existing provisions in respect of the assessment of court-fees. Fifteen times the net profit will not be an improvement in all cases; it would rather be a hardship. Therefore, I submit, Sir, the old law, as it stands, is preferable to the amendment proposed.

**Mr. SARAT KUMAR ROY:** Sir, I rise to support the motion. The existing law has very carefully fixed the criteria for classification of lands, when they form the subject matter of suits for possession, and the basis of calculation has been very fair and equitable.

Sir, it may be argued that by such classification, the revenue accrued to the Government has materially diminished and hence the law should be amended. But, Sir, in bringing this Amendment Bill, the Government deplored that the fall in revenue was due to evasions. Now, Sir, as by this amending Bill, this defect in the existing law is going to be removed by inserting provisions for checking evasions, I hope revenues will now necessarily go up.

Under the circumstances, I see no reason whatsoever in proposing to abolish the existing criteria for classification of lands and to alter both the method and the figures for calculation of the value of revenue-paying estates, both permanently and temporarily settled.

Sir, I further submit that the time is also inopportune for such a measure, as due to the present economic depression, the market value of all lands has very much deteriorated. Hence there is absolutely no justification for altering the existing law by introducing the amendments proposed in the Bill.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, the Council will remember that one of the main purposes of the Bill is to remove anomalies. If Hon'ble Members will look to the section of the existing law, they will find that it is sometimes 5 times the revenue, and in other cases it is 10 times the revenue, and in other cases 15 times the net profit, and in a fourth category of cases, it is the market value. It is to get rid of these anomalies that this Bill was introduced, and by accepting the amendment, we will be jettisoning the whole Bill. I would not use a strong expression, but this is an amendment which is really playing with the Council. When the Council sent the Bill to the Select Committee the Council accepted the principles of the Bill, and one of the principles of the Bill was to remove anomalies, and the second was to stop leakages of revenue, and now we are asked to go back upon the decision of the Council, and drop the whole thing. I oppose.

The motion was then put and lost.

**Mr. A. deC. WILLIAMS:** I beg to move a short notice amendment that in clause 7 (3) of the Bill, at the beginning of clause (a) of proposed paragraph (v), the following be inserted, namely: "according to the value of the subject matter and such value shall be deemed to be . . . . ."

It is purely a drafting correction. As clause (a) stands, it looks as if the court-fee is to be 15 times the nett profits, so it is desirable

to make it clear that the court-fee is only to be computed according to the value, which is taken to be 15 times, and so on.

The motion was put and agreed to.

**Mr. PRESIDENT:** I draw the attention of the House to item No. 9. With my permission Mr. Narendra Kumar Basu is going to move a short notice amendment, which is a substitute for his original amendment as on paper.

**Mr. NARENDRA KUMAR BASU:** Sir, I beg to move that in clause 7 (3) (a) of proposed paragraph V, the following be added, namely:—

"or according to the market-value of the land, building or garden, whichever is lower;"

Sir, this is only a verbal change in the amendment of which I have given notice, and it makes it clear that the following, "if, in the opinion of the Court, such profits are not readily ascertainable, or assessable or where there are no such profits according to the market-value of the land, building or garden" is to be retained. The effect of this amendment is the same as that of which I have given notice, and to which hon'ble members have agreed.

**The Hon'ble Sir BROJENDRA LAL MITTER:** I accept this amendment. In the Select Committee we overlooked the fact that 15 times the net revenue might operate harshly in some cases and when it was brought to our notice by several members of the Select Committee, shortly after the Select Committee dissolved, we saw the reasonableness of a request for amendment, and that request is embodied in the amendment now. I accept it.

The motion was put and agreed to.

**Maulvi TAMIZUDDIN KHAN:** Sir, I beg to move that in clause 7 (5), in proposed paragraph viA of section 7, line 3, from the bottom the word "whole" be omitted.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I accept the amendment.

The motion was put and agreed to.

**The motion that clause 7, as amended in Council, stand part of the Bill, was then put and agreed to.**

*Clause 9.*

**Maulvi TAMIZUDDIN KHAN:** I beg to move that in clause 9, for sub-section (2) of the proposed section 8B, the following be substituted, namely:—

"(2) If the Court records a finding that an insufficient court-fee has been paid on the plaint or memorandum of appeal the Court shall stay all further proceedings in the suit until it has determined the proper amount of court-fee payable and the plaintiff or the appellant, as the case may be, has paid, within such time as the Court may specify, the amount for which he may be found liable or until he has given security within the time specified to the satisfaction of the Court for the payment of such amount."

Sir, there is nothing new that I have suggested in my amendment; I have only attempted to improve the drafting. If it is acceptable, it is alright; if not, I do not like to press it. All that I can say is that the drafting seems to be very clumsy, and, therefore, I have made an attempt to improve it.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, after all it is a drafting amendment. The existing draft has been very carefully considered, and seems to be alright. Considering the effect of this on various other clauses, I would request the hon'ble member not to press his amendment, but to let the clause stand as it is.

**Maulvi TAMIZUDDIN KHAN:** Sir, I beg leave to withdraw the amendment.

The motion was then, by leave of the House, withdrawn.

**Maulvi TAMIZUDDIN KHAN:** Sir, I beg to move that in clause 9, in the proviso to the proposed section 8B (2) (a), line 1, after the word "gives" the following be inserted, namely:—

"Within such time as the Court may allow."

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I accept the amendment.

The motion was put and agreed to.

**Maulvi TAMIZUDDIN KHAN:** With your permission, Sir, I propose to make a change in the amendment that stands in my name, and I beg to move it in the following amended form:—

That in clause 9, for proposed section 8B (*3*) the following be substituted, namely—

"(*3*) If the plaintiff or appellant fails to give the security referred to in clause (*a*) of sub-section (*2*) or to pay the amount referred to in clause (*b*) of that sub-section within the time allowed, or before the date fixed, by the Court, as the case may be, the suit shall be dismissed."

**The Hon'ble Sir BROJENDRA LAL MITTER:** I accept it.

The motion was then put and agreed to.

**Babu KISHORI MOHAN CHAUDHURI:** I beg to move that in clause 9 in proposed section 8B (*3*) in the last line for the words "suit shall be dismissed" the words "plaint or memorandum of appeal shall be rejected" be substituted.

Sir, though I have heard the Hon'ble Member to say that it is necessary to make it very stringent, still I think dismissal would cause hardship in many cases. It may be that the court-fee is not paid for no default of the appellant or the plaintiff——

**Mr. A. deC. WILLIAMS:** On a point of order, Sir. May I point out that this amendment is covered by amendment No. 36 which has been accepted by the House in an amended form.

**Mr. PRESIDENT:** I agree. Kishori Babu's amendment does not arise.

**Babu KISHORI MOHAN CHAUDHURI:** I beg to move that in clause 9 proposed section 8F be omitted.

In the existing law, sections 9 and 10, there is provision for making inquiries and issuing commissions. So I do not think it is necessary to provide for this again, and I propose that this section may be omitted. The existing provision in the law is quite sufficient.

**The Hon'ble Sir BROJENDRA LAL MITTER:** I do not see why this amendment has been moved. The amendment is that proposed section 8F be omitted. Section 8F is nothing new. It is the existing section 9 of the Court-fees Act. In order to make this clause comprehensive and self-contained section 8F has taken the place of the existing section 9. There is no change, and I oppose the amendment.

The motion was then put and lost.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I beg to move that in clause 9 in the second paragraph of proposed section 8-I in line 3, the words "in its discretion" be omitted.

In a matter of fight between Government and a private party these words need not be included: he does whatever he thinks best. Why that word is introduced I fail to understand; so I think that the words "in its discretion" should be omitted.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, it is well known that matters of costs are always in the discretion of the Court. It is not always that the unsuccessful party is mulcted in costs. It may be that an unsuccessful party had equity on his side or a successful party was guilty of something which might induce the Court to deprive him of his costs. Therefore the Court which is in possession of all the facts of the case must have discretion in awarding costs. I oppose the amendment.

The motion was then put and lost.

**Mr. SARAT KUMAR ROY:** Sir, I beg to move that in clause 9, in the second paragraph of proposed section 8-I, penultimate line, for the words "may refund" the words "shall refund" be substituted.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I accept the amendment.

The motion was then put and agreed to.

The motion that clause 9, as amended, stand part of the Bill was then put and agreed to.

*Clauses 10 and 11.*

The motion that clauses 10 and 11 stand part of the Bill was then put and agreed to.

*Clause 12.*

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I beg to move that in clause 12 after proposed paragraph (*b*) of section 12 and before the "Explanation," the following be inserted, namely:—

"If, however, such Court of appeal, reference or revision considers that the said question has been decided wrongly to the detriment of

any party and any amount has been paid by him in excess of the amount legally payable it shall order a refund of the excess amoun so paid under the wrong decision of the Court below."

This provision is not in section 12 for the Appellate Court; thougl it has been inserted for the Court below there is no such provision it the Appellate Court. Therefore, I think, this may be inserted.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, this is ar unnecessary amendment. Section 12 makes the finding of the Court final between the parties. This amendment says: "If, however, such Court of appeal, reference or revision, considers that the said question has been decided wrongly to the detriment of any party and any amount has been paid in excess..... ....". The question of excess has been dealt with in clause 8-I which provides for the refund of any excess. Therefore that is not necessary. If there be any detriment by reason of a party paying any excess that has already been provided for. Therefore, it is not necessary.

The motion was then put and lost.

*Clauses 12, 13, 14, 15 and 16.*

The question that clauses 12, 13, 14, 15 and 16 stand part of the Bill was then put and agreed to.

*Clause 19.*

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I beg to move that in clause 19(*a1*) in proposed paragraph (1*a*) the words "fifteen rupees" in the second column be omitted and the following be added after the said paragraph in columns one and two, namely:—

| | |
|---|---|
| "If the property is immoveable property .. | Fifteen rupees. |
| If the property is not immoveable property . .. .. | Seven and a half rupees." |

I intend to make a distinction between immoveable and moveable properties. All properties are not immoveable, so there should be a distinction. In the case of immoveable property the charge should be Rs. 15 but in the case of other properties it should be half. That is my suggestion and I hope it will be accepted.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I do not see why a distinction should be made between moveable and immoveable property. A moveable property, for instance, a jewel which you, Sir, possess may be a great deal more valuable than the land which I possess.

Since the court-fee is assessed "on valuation" I see no reason why a distinction should be made between the two sorts of properties. So I oppose the amendment.

The motion was then put and lost.

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I beg to move that in clause 19(2) in proposed Article 22 in the second column for the word "Fifteen" the word "Five" be substituted.

I suggest in this clause that in municipal election matters instead of a provision of Rs. 15, provision should be made only for Rs. 5. As these are small matters a heavy fee will not be necessary as it will entail hardship.

**Mr. NARENDRA KUMAR BASU:** Sir, I beg to support this amendment. As a matter of fact by the recent amendment of the Bengal Village Self-Government Act and the Bengal Municipal Act this Council has already put some restrictions in the way of any person who wants to dispute these elections in a court of law. I submit that to make the fee high would be to put further discouragement in the way of these applications which would not be in the interest of public policy. I, therefore, support the amendment.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, it will be in the recollection of the Council that in the Bill the fee prescribed was Rs. 100 and the Select Committee considered the matter very carefully and unanimously came to the conclusion that it should not be below Rs. 15; Rs. 15 may not be a complete deterrent but certainly a more effective deterrent than Rs. 5. If you make it Rs. 5 every election would be contested and I do not think that would be sound public policy.

The motion was then put and lost.

The motion that clause 19 stand part of the Bill was then put and agreed to.

*Preamble.*

The motion that the preamble to the Court-fees (Bengal Amendment) Bill, 1935, stand part of the Bill was then put and agreed to.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I beg to move that the Bill as settled in Council be passed.

**Mr. NARENDRA KUMAR BASU:** Before the Council sets its imprimatur on the Bill I want to bear testimony to the devotion, fairmindedness and to the good temper with which the Hon'ble Member

in charge of the Bill has piloted it not only through the Select Committee but also in this House. Sir, when the Bill was first introduced in the Council, some of us were apprehensive that its provisions might turn out to be engines of oppression. But through the kind intervention and through the unfailing fairness of the Hon'ble Member those provisions have been knocked out and the Bill as it now stands is a distinct improvement, in that evasions will be discouraged and whatever is due really to State will be recovered and the anomalies in regard to all sorts of suits in different parts of the province, will be brought into line.

I beg, Sir, to convey our congratulations to the Hon'ble Member.

**Maulvi ABUL QUASEM:** I wish to join wholeheartedly in the tribute paid by Mr. Narendra Kumar Basu to the Hon'ble Member in charge of the Bill. As a member of the Select Committee I do endorse every word of praise that has been uttered by Mr. Basu. Sir, the spirit of accommodation, the spirit of genuine desire to meet the wishes of the non-official members which has been displayed by the Hon'ble Member in connection with this Bill has won not only our admiration but also our sincere respect. This spirit of accommodation has not been frequently displayed by the treasury benches and on this occasion it has come to us as a very refreshing and welcome thing. If only Government would go on in this way they would certainly receive more support from us than they have hitherto done.

**Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Sir, I beg to associate myself with what has fallen from the previous speakers. It is really a matter of great gratification to us that the Hon'ble Member in charge of the department has so much accommodated the non-official members and has taken them into his confidence. The Bill, as it emerged from the Select Committee, is a great improvement and we did not really expect that the Hon'ble Member would be so reasonable as to accede to the wishes of the people. I, on my own behalf and on behalf of the members on this side of the House, offer our sincere congratulations and grateful thanks to him.

The motion that the Bill, as settled in Council, be passed, was then put and agreed to.

## Adjournment.

The Council was then adjourned till 3 p.m. on Tuesday, the 26th February, 1935.

## Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 26th February, 1935, at 3 p.m.

**Present:**

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY of Santosh) in the Chair, the three Hon'ble Members of the Executive Council, the Hon'ble Khwaja Nazimuddin being absent, the three Hon'ble Ministers and 92 nominated and elected members.

# GENERAL DISCUSSION OF THE BUDGET, 1935-36.

**Maulvi TAMIZUDDIN KHAN:** Sir, I congratulate the Hon'ble the Finance Member on his delightfully short Budget speech this year. He is short in his words probably because he is short in his resources, but certainly he is not short in resourcefulness. Having given his best to Bengal, his heart naturally bleeds at the sight of Bengal's depleted treasury. But he does not lose courage. On the other hand, he requisitions all the powers of a quick and ingenuous brain for the improvement of an almost impossible situation. He desperately catches at whatever falls in his way. Nothing is too illusive to evade his all encompassing grasp. Imponderable electricity has to pay its toll. Nothing is too mean to escape his calculating eye. The peasant's *hookah*, the village house-wife's century old tobacco powder, the *pan*-chewer's *zarda*, the Pundit's snuff, not to speak of the *hari* and the cigarette, the cigar and the pipe or the hubble-bubble of the Nawab and the Raja have to pay their respective quota. In his anxiety to husband the resources of an almost bankrupt concern the Hon'ble Member has placed himself in a ludicrous position and has taken up inconsistent and naturally irreconcilable standpoints in many of his major performances. He is a friend of the poor and is naturally solicitous for their welfare and, while out in his quest for new sources of revenue he makes a solemn declaration that he is anxious "to avoid any further burden on the really poor man." He recognizes that the burden on the Bengal tax-payer is already too heavy, but at the same time he ignores the additional toll of misery that some of his new measures must bring to his already hard lot. His tobacco tax will be a smart slap on the cheek of his "really poor

man," whom he tried to save from the brunt of his new measures. To love and to be wise has not been given to man and yet Sir John has tried the impossible and has only added one more demonstration to the truth of this old adage.

Sir, let us look at the situation from another standpoint. The Hon'ble Member is naturally anxious to reduce the gap between expenditure and revenue. In order to do this he has to perform a superhuman feat. The two weapons we find him wielding in this laudable attempt are "the axe" and the "tax." He is equally merciless in his application of both. On one hand all the departments of Government, particularly the nation-building ones, are being hard hit by his "axe" and the rich as well as the poor will have to face the brunt of his tax. But look at the absurdity of his conduct. What he frantically grasps with one hand he gives away unblushingly with the other. He is prepared to bring down the curse of a whole nation on himself and this House for a doubtful 24 lakhs and a half, but he smilingly gives away for nothing a sure and solid sum of 17 lakhs by restoring the salary cut. Inconsistency cannot go any further. Was there any real demand in the country for the restoration of the salary cut? Could there be a just demand for it under the present circumstances? The economic depression, however adversely it may have affected others, has certainly been a veritable boon to Government servants. This has not prejudicially affected their income, whereas it has had a very salutary effect on the side of their expenditure which has been reduced by about 40 per cent. In spite of the salary cut, therefore, they were the favourite children of Goddess Lakshmi. As if to outwit the Goddess the Hon'ble Member jumps into the scene with his weapons of fresh taxation and extorts whatever he can, from the pockets of the victims of the depression and brings the booty to the door of the favoured class. Yet the poor victims must not complain, for if they do they are threatened with a far more serious consequence. The Hon'ble Sir John Woodhead, I am sure, has never been in his life in a more unenviable position, and Bengal never in a more unfortunate predicament. But it is in vain that the Hon'ble Member is out to wring out blood from the dry bones of Bengal. In spite of all his attempts, the gap remains unfilled.

Sir, though we do not agree with our Government in everything they have been doing to balance the Budget, it must be recognised that they have been fighting against tremendous odds. Ever since the nightmare of the Meston Settlement has been sitting on the breast of Bengal, her history has been one of a long and continuous groan of agony. Thanks to the combined efforts of our Government and the people that the injustice done to Bengal has at last been recognised and there seems to be a desire to do justice to our claim. The Hon'ble Member has in his speech referred to clause 137 of the Government

of India Bill which is now under the consideration of the House of Commons. That clause lays down that one half or such greater proportion as His Majesty in Council may determine of the nett proceeds of the jute export duty shall be assigned to the provinces or Federated States in which jute is grown. We can on no account remain satisfied with half. The proceeds of the duty do in justice belong to us and we are entitled to the whole of it and, in fact, we cannot afford to do without the whole. I also fully endorse the statement of the Hon'ble the Finance Member that we must fight for the assignment to the provinces of a substantial proportion of the provincial share of the proceeds of taxes on income. Bengal cannot be allowed to starve under the new constitution as she has hitherto been doing and to continue to be the plague spot of India. Do financial justice to Bengal and you will not only conciliate her but make her one of the strongest pillars of the Empire.

Sir, the picture drawn by the Hon'ble Member, gloomy as it is, has yet its silver linings. He has not altogether ignored his nation-building colleagues, the Hon'ble Ministers. He makes a present of Rs. 72,500 to the Hon'ble Sir Bijoy Prasad—Rs. 60,000 as an addition to the normal quinine grant, and Rs. 12,500 for a grant to the Tuberculosis Hospital at Jadabpur. These grants will be universally appreciated. The Hon'ble Nawab K. G. M. Faroqui also gets something for his Weaving Institute at Serampore and for the Silk Weaving and Dyeing Institute at Berhampore. Certainly half a loaf is better than no bread.

I am particularly pleased at the encouragement given to the youngest Minister, the Hon'ble Khan Bahadur Azizul Haque. The Muslim community had long been crying hoarse for the establishment of a High English School in Calcutta for the education of Muslim girls. The allotment of a sum of Rs. 44,000 for the provincialisation of the Sakhawat Memorial High School has therefore given genuine satisfaction to the community. I would like to state here briefly why the community demanded the establishment of such a school. No doubt, there is a large number of girls' High English Schools in Calcutta but these cannot attract any Muslim girls, for the simple reason that in none of them there is any provision for the teaching of Arabic, Persian or Urdu. Knowledge of one of these languages is considered to be essential for the education of Muslim girls. Again, the vast majority of Muslim parents desire that their girls should receive their education in environments not alien to their cultural characteristics. Subject to this, I am in favour of girls of various communities being educated together, and I feel no hesitation in recommending to the Government that no institution in the province, unless its object is to impart religious education pure and simple, should be wholly denominational in character. No institution should

be a close preserve of any particular community. The Sakhawat Memorial Girls' School should be thrown open to girls of other communities also, subject to the condition that preference must always be given to Muslim girls in all cases of new admission. The Bethune School also should no longer keep its door closed against Muslim girls.

Sir, although we are grateful for these small mercies, it is impossible to close our eyes to the continued neglect shown to one and all of the major problems that are awaiting solution. How long more shall we wait for universal primary education? If Government can think of resorting to fresh taxation for the purpose of restoring the salary cut or to take the Government at its word, for diminishing the gap between revenue and expenditure, I fail to understand what prevents the Government to enforce the Rural Primary Education Act.

The question of relieving indebtedness is one of the utmost urgency at the present day. While it is highly gratifying to note that His Excellency the Governor has been evincing genuine interest in this question and also some other questions concerning the welfare of the people whereby His Excellency has almost won the heart of Bengal, it is somewhat disconcerting that there is no reference to this vital question of rural indebtedness in the Budget speech of the Hon'ble Member. The Board of Economic Enquiry set up by His Excellency has made a definite recommendation on this subject in the shape of a Draft Bill. The Bill has been published in the Gazette. We are absolutely in the dark as to the Government's time-table in respect of this important matter. The Board of Economic Enquiry has formulated a scheme of conciliation by Arbitration Boards to be set up by Government. The expenditure involved in the scheme is moderate in consideration of the importance of the issue at stake. The silence of the Hon'ble Member on this question and absence of any provision in the Budget seem to be ominous. Are we to understand that nothing will be done in this matter even during the coming financial year? Quickness of action is essential for the cure of an evil of this nature. Delay is dangerous and may prove to be fatal.

Sir, I refrain from lengthening any further my annual lamentation over the Budget. We are on the threshold of the exit of the old régime and the advent of the new. Let the new order profit by the accumulated experience of the old, but for heaven's sake let it not step into the latter's worn-out shoes of financial bankruptcy.

**Mr. SHANTI SHEKHARESWAR RAY:** I am afraid I cannot congratulate the Hon'ble the Finance Member who has presented the

Budget this year. On the first day when we are given an extraordinary new exhibition I scented that something was wrong. Sir, Government benches tried to impress the House with an array of glittering buttons, but all that glitters is not gold. The Budget presented by the Government of Bengal has proved beyond doubt that the financial position of the Government is very insecure. I cannot congratulate Sir John Woodhead on the explanations submitted by him for this huge deficit. He has tried to throw the blame as to the cause of this huge deficit on the terrorists and terrorism in this province for this deplorable state of things. That is a statement that must be challenged. I think that the costs incurred by the Government of Bengal to meet this menace of terrorism was due largely to their own inefficiency—to their own mishandling of the situation. If the Government of Bengal had taken our advice—if they had tried to shape their policy on popular lines—there would have been no necessity for this huge expenditure. In spite of our repeated warnings, Government have been following a policy that led Government nowhere except heading towards bankruptcy. So long as the Government of Bengal do not change their policy, there can be no change in the situation. That is sure. Sir, apart from the details of that policy, I should like to draw the attention of this House and of the Government of Bengal to a very objectionable feature of that policy. I shall be frank and I shall be failing in my duty if I fail to take this opportunity of bringing this point before you. In meeting this menace of terrorism, the Government of Bengal have come to acquire what I may term an anti-Hindu bias. The orders that have been issued from time to time in this connection during the past two years are very objectionable. They are not likely to soothe the feelings of the people, but they are likely to further aggravate the situation by causing unnecessary irritation. The orders issued on the Hindu public in connection with their visit, for instance, to Darjeeling is resented by every Hindu in this province and this feeling if the Government is not wise enough to withdraw those orders will be shared by the Hindus of other provinces too. And thus a situation is bound to arise which will not be very good for Government, nor for this country. Sir, I could have understood if such orders would have had any value from the police point of view. If the Hon'ble Member in charge of Police would pause to think over his orders, I think he will realise that his orders will be of no avail. I shall not lay myself open to a charge of helping the terrorists if I venture to suggest this—if the Hon'ble Member will send one of his Assistant Superintendents of Police I shall be very glad to present that officer with a scheme that would frustrate all these police precautions—absurd precautions I shall say—precautions which I am inclined to think have not been taken as measures of safety on police grounds, but I am afraid taken with a view to humiliate the Hindus of Bengal. Sir, the Hindus

protest against such humiliating and discriminating orders. Those who shape that policy in order to cover their inefficiency have deliberately issued these discriminating orders with a view to show to the world that the Hindus of Bengal are all terrorists. Sir, I shall not labour that point further. But I hope good sense will prevail in the counsels of the Government of Bengal and the earliest opportunity will be taken to withdraw such discriminating orders and not repeat the mistake. Sir, this will to a certain extent go to show that the Government of Bengal are prepared to meet the wishes of the people. If the Government follow our advice, then there would be no cause for such extra expenditure. I do not deny that the Government of Bengal have certain responsibilities and in discharging all those responsibilities they are bound to incur expenditure over the police, but to throw all blame of this terrorist menace on the Hindus would not stand the test of scrutiny. Sir, another point that I would like to press on this occasion is this—that the Government of Bengal should adopt a bold policy in meeting the present economic situation. In the past they have been more or less toying with the problems. Months are past—as a matter of fact years have rolled by—and we see no advancement in the economic outlook of the country. Government are more or less sleeping over the problem. It is true that they have produced one or two Bills, half-a-dozen press notes, but the result is nil. The sum total of their achievement is not exactly the proverbial mouse, but perhaps six feet gentleman—I mean the development Commissioner! That is all the achievement of the Government of Bengal towards solving the economic problem of the province. In any other country such an attitude would have brought the downfall of the Government in no time. But in this country such an achievement is held as great achievement by the paid officers of Government and perhaps one or two honorary advertising agents of Government. I would ask the Government—the present Government that is going shortly to cease to exist in the next two months—to do something tangible. I do not know who is to blame for this condition of things. Great hopes were raised when His Excellency Sir John Anderson first gave expression to his views on the burning problems of this province, but I am afraid there is something—I do not know what—perhaps it is the grip of the iron bound bureaucratic system of Government—that a régimé of promise looks like ending in despair.

**Rai Bahadur SATYENDRA KUMAR DAS:** Sir, this is the third Budget the Hon'ble Finance Member has put before the Council.

On the two previous occasions the Hon'ble Finance Member made a present of a deficit Budget. The deficit amounts to 2 crores or thereabout. Our income, generally speaking, is about 9 crores. But our expenditure is about 11 crores, so year in and year out we are

dragging or being dragged with a deficit Budget of, roughly speaking, 2 crores. So, Sir, 2 crores deficit was the normal condition of Bengal Budgets.

His Excellency the Governor of Bengal took this deficit Budget into his serious consideration. He fought with the India Government and snatched 1 crore 11 lakhs from the India Government with regard to jute duty to cover our deficit of 2 crores. Had it not been for this 1 crore and 11 lakhs, our deficit would have been 1 crore and 94 lakhs, *i.e.*, roughly speaking, 2 crores. But in place of 2 crores deficit, we shall have to face a deficit of half a crore, to be more accurate 46 lakhs.

So, Sir, in the matter of deficit of 2 crores which was the condition in previous years we have got a deficit of only half a crore. And Sir, it is an easy calculation to say that this year we have covered three-fourths of our deficit while only one-fourth remains.

Apparently, every one of us in this House ought to feel happy for making up this three-fourths of our deficit in the Budget. But, Sir, appearances at times prove to be deceptive, and I am afraid that is the case with our present Budget.

In previous years my suggestion was that our 2 crores of deficit should be made up by retrenchment and by retrenchment alone. I am sorry to say, that was not done. The Bengal Government failed to do it. There is no use of hiding this fact. And the fact is that our Government, in spite of the recommendations of the Retrenchment Committee, failed to do which an ordinary tailor could have easily done, that is, to cut the coat according to the length of the cloth. It is a fact, Sir, that the Government failed to carry on the administration—terrorism or no terrorism—within the income of 9 crores. If from a higher authority the Bengal Government is ordered to spend 9 crores and 9 crores only for its administration or in the alternative the Bengal Government is ordered to abdicate, my question is what would the Bengal Government do? Would it like to carry on the administration within the income of 9 crores or would it abdicate? I ask this question with all the emphasis I can command. Was it absolutely impossible to carry on the administration within the income of 9 crores? Did we not suggest it on the floor of this House, how this thing could be made possible. Where have all our suggestions gone? The mother Ganges has carried them all into the Bay of Bengal? Was it absolutely impossible for this Government to act according to the suggestion of the Retrenchment Committee? The answer would be "Yes, it was impossible." This is the clear and definite answer of the Bengal Government to the hon'ble members of the Retrenchment Committee. The fact being so, I ask anybody here whether he can feel happy because the Hon'ble Finance Member instead of putting before us a deficit of 2 crores has cleverly put before us a deficit of

only half a crore. My point is that as the Bengal Government failed to curtail the expenditure of two crores, it has certainly failed proper way as it should have done.

With regard to the partial recovery of our jute duty, we are all grateful to His Excellency the present Governor. But, Sir, as you all know we have got roughly speaking barely one-third of what we should have got. We thought that we got it as a matter of right, but we are told by the Hon'ble Finance Member that it is only a conditional gift to us and the condition is—not retrenchment which should have been proper and fit condition, but the condition is that we should tax our poor peasantry further more without caring whether our people can bear it or not. I, for one, fail to understand why there should be such a condition precedent and why should the Bengal Government agree to it. Is it not one of our latest cries that we should be allowed to arrange our own things.

I confess I am surprised to see that along with the levying of new taxes and without giving the least attention to the recommendation of the Retrenchment Committee and utterly neglecting the suggestions for retrenchment of the major portions of the elected members of this House, the Government has in its wisdom thought it proper to restore the small portion of the cut of salaries of only a few of the Government servants. In all seriousness I ask, is it wise policy which the Government has adopted? My answer is an emphatic "no". It is the most unwise policy which the Government has adopted. I will not trouble you discussing our present debt of 5 crores and 59 lakhs on account of our deficits. All of you know that financially an injustice was done to Bengal and if you only do away with that injustice, our debt will vanish in no time.

Sir, all our jute duty for the sake of justice should be spent for the financial uplift of our heavily indebted peasantry. Agricultural indebtedness of about 200 crores and the low price of jute which does not cover even the cost of production are looming large on our political horizon. The situation is clearly and definitely alarming. To rescue the present peasantry it should be the first consideration of any responsible Government in the present circumstances. Most humbly, but none the less emphatically, I beg to suggest that our jute duty should be utilised for land mortgage banks and free primary education. There should be no condition precedent in this respect. That would certainly be doing a greater service to the Muhammadan community than granting a few thousand rupees to the Muhammadan Girls' Schools here and the construction of a boarding house for Muhammadan students there. I say this because the major portion of our peasantry belong to the Muhammadan community. The main defect of the present Budget is that the nation-building programmes are utterly neglected.

The Hon'ble Finance Member has made the terrorist movement responsible for our deficit Budget, and he has taken pains to draw our attention to that fact. On this point we said what we have got to say, and there is hardly any use if I repeat them.

Does the Government seriously mean to say that it has got nothing to do with the origin and growth of this terrorist movement in Bengal? Is it only the people of Bengal responsible for it? And the Government had nothing to do with the origin and growth of it? I may be pardoned if I ask this question to the Hon'ble Finance Member.

Sir, we are told, rather we are assured, that the terrorist movement is almost crushed in Bengal. We are all glad to hear of it. Because we suffer more than the Government does on account of this terrorist movement. But, Sir, if the movement is crushed, why do you again spend after it; as if it is not crushed and it is going on in full swing. I confess I really do not understand the policy which actuates the method and which gives a total go-by to the policy of conciliation. Conciliatory method is also a method which I venture to submit no wise Government should either forget or neglect.

**Rai Bahadur RAM DEV CHOKHANY:** Sir, the Hon'ble Finance Member has to be given his due meed of praise for presenting a Budget which shows for the first time during the last so many years some sign of improvement in the financial position of the province. It is true that this has been brought about by the long expected and much sought for windfall in the shape of the allocation of the jute duty, to the whole of which even the province can lay its claim. Yet, it is really something to be grateful for that huge deficits have been brought down from the normal 2 crores level to a more manageable limit of 69 lakhs.

I wish, however, that further economies in the Administration, were effected or at least seriously considered. Several of the more important recommendations of the Bengal Retrenchment Committee, such as the abolition of the posts of Divisional Commissioners, or at least a reduction in the number of the said posts, the reduction in the strength of the Cabinet, etc., would surely result in a great measure of saving to the province. Several of the major provinces are able to run their Administration efficiently without such Divisional Commissionerships, and I am sure this province could follow the example with benefit.

Sir, the expenditure incurred by the Bengal Government in suppressing the terrorist crimes has been mounting up year after year. I am not here concerned with the question whether the Government are or are not spending more than what is necessary in combating this menace. I only desire to point out that the Bengal Government should make suitable representations to the Central Government, that this province should not be made to shoulder the entire burden of fighting the terrorists and that the Central Government ought to bear a part

of the financial burden in this regard. It may be, Sir, that the majority of the terrorists are Bengalees. It must, however, be borne in mind that terrorism is nothing peculiar to the genius of Bengal. It was and is due largely to the general economic conditions. The insidious poison spread by the terrorists affects the whole country and not this province alone. If law and order are weakened in one province, they are bound to have repercussions in other provinces also. It is therefore the duty of the whole of India to help to combat this plague-spot in our body politic and share the cost of suppressing it. I am sure, Sir, if the Bengal Government make proper representations on this subject, the Central Government would be bound to give due heed to them.

Sir, our finances are low and do not warrant, immediately at any rate, our undertaking any big project of industrialisation or of coping up with the evil of unemployment. To that extent I fully sympathise with the Hon'ble Finance Member. I would, however, like to point out that the Government must carefully consider the question of the economic planning on which much has been said and written. Unless the economic structure of the province is overhauled and put on stabler footing, we can never hope to have our Budget balanced and also find sufficient scope for the expansion of our nation-building departments.

**Rai Bahadur JOGESH CHANDRA SEN:** I heard with some attention the Budget speech of the Hon'ble the Finance Member, and I had occasion just to glance over the Budget handed over to us last week. As to the speeches of the Hon'ble Member, I cannot but congratulate him for the last sentence of his speech which says—"The Council may rest assured that we shall not relax our efforts to obtain for Bengal what we all consider Bengal can justly claim, a settlement which will place the finances of the province on a sound basis and which will permit of the development of the more beneficial activities of the Government beyond the present inadequate standards." Herein, Sir, the Hon'ble Sir John Woodhead very rightly admits that provisions for many heads are not adequate and Government are not in a position to develop more beneficial activities for want of funds. These sentiments, however nice they are, do not lead us anywhere. We have received a certain additional amount from jute tax, but we are at the same time faced with a deficit. Five per cent. cut has been restored, which means 17 lakhs of rupees. An additional expenditure of 5 lakhs and 4 thousand for fighting the terrorist movement has been provided, though we find peace everywhere. For additional High Court Judges Rs. 58,000 has been provided, and so on.

Sir, 2 crores and 62 lakhs of rupees will be spent for the Police, Criminal Investigation Department and Special Branch. What a bright picture could be drawn, if the unnecessary expenditures could

be reduced. To this end we must try hard. In this the rulers and the ruled must join hands. Let such a condition of things be brought about by which we can once more return to those happy days of yore. Our province is sick of this terrible malady, its fair name is at stake.

Next, we find that provision for Industrial and Agricultural Departments is very very poor. On these, Sir, depends the wealth of the nation. I would request Government to adopt the principle followed by Japan. There the Government acts like the parent in a family. The State starts an industry and when it is successful the concern is handed over to the people. Even in social matters, it seeks to offer advice. In fact, there is no department which the Government overlooks. We want our Government to be like that. Punish your people when they are wrong, but encourage them when they are right; put them on the right line, arrange for their bread, protect them from the ravages of epidemic diseases and famine. A nation cannot grow if the sword is kept hanging over its shoulders always.

The establishment charge is on the increase. They call it a top-heavy establishment. By proper adjustment it is quite possible to cut down the expenditure. Demands for nation-building departments are very, very heavy and we cannot afford the luxury of a costly establishment like the present one. Our Ministers are doing all that is possible, and we thank them for all that; but the fact is that they have no money to carry on with their ideals, which too have not been clearly drawn as yet. Our Finance Member is a miser, but Sir John is stingy; and let us Shake him hard for more money for the nation-building departments. He knows how to manage it. He is a great financier and has extraordinary merit and intelligence

In conclusion, I take the liberty to say that nothing would come out as a result of these 2 days' discussion. The Budget has been prepared already and there would be no change, though we cry hoarse over it. May I suggest that every year, during the Puja Session the Council, should be given an opportunity to express its views and offer suggestions in conection with the framing of the next year's Budget? It is no use giving *postmortem* lectures or hurling abuses for nothing. Let there be an understanding that all reasonable suggestions shall be accepted, and given effect to.

**Maulvi ABUL KASEM:** Sir, this is the only occasion when we the back-benchers are allowed to pass criticism and to discuss the general administration of the province and the policy guiding that administration. But, Sir, the time allotted is rather very small. What is more important is that these speeches that we unfortunately make in this House serve no other purpose than giving us the pleasure of hearing our own voice, and have not the least influence on the Government. The Government is not only indifferent but, I might say, treats our

demands with contempt. But all the same, if I rise, I do so to complain of certain facts. You will remember that in the old days before we got the Reforms, the Government asked every non-official member to give them short notes of our Budget speeches and the Government studied them and replied to our criticism. But with the advent of the Montagu-Chelmsford Reforms we have now the pleasure and privilege of adorning these benches, but so far as practical suggestions are concerned, we are not much better off than we were before 1920. Nowadays what is more on account of the indifference of the Government the non-official members have also ceased to take any interest in these proceedings, as is apparent from the fact of the small number of members present here. So, Sir, I will not go over the whole question and cannot go over the whole question, but the members of the Government would be most interested in what I am going to say. At present I will confine myself to the Education policy of the Government, because I have got something to hear. Sir, the policy of the Government has always been and is to build from the top, and, as we have been told on several occasions, the Administration itself generally is a top-heavy one, so is the case with the Department of Education. Sir, the Primary Education Act was passed after a good deal of discussion and, what is more, several things happened before it, and the result was that the Government's persistence, or rather the pressure put on the Government to carry this Bill through has cost us one able and meritorious Minister's resignation. We have lost his services, but what have we got done by this loss; what is the net result? The Act has been passed, it has received the sanction and approval of everybody concerned, the Governor, the Viceroy, or whoever he may be, but we are where we were. Last year we were told by the then Minister of Education that primary education, compulsory and free, was going to be introduced in four districts in Bengal, and after 12 months, I made enquiries and I find that we are where we were, nothing practical has been done beyond the fact that in those four districts, an Education Board is contemplated to be formed. In the words of a Bengali poet, I would say আমরা যে তিমিরে, সেই তিমিরে, and what is more, Sir, not only has not primary education been made free, an Act being enforced throughout Bengal, but also that primary education as a whole is neglected. Sir, I would ask the wise heads of the Education Department to consider one fact. It is in our *pathshalas* that the foundation of education, and the foundation of the nation is laid: it is in the *pathshalas* where are first plans are being nursed and nurtured, but the *pathshalas* are the most neglected institutions in this province. Sir, it will perhaps be a surprise to the Treasury Benches to hear that a *pathshala* teacher is paid a remuneration, the magnificent remuneration from all sources to the extent of Rs. 3-8 and Rs. 2-8 a month, and these are the men to whom you ask us to entrust the education of our little boys. This is unknown and unheard of in any

other country. We have heard a good deal of speaking and writing about nation-building and nation-building departments of the Government. It is a phrase being used for purposes of propaganda, but a nation is built and a nation is formed and a nation is started in our *pathshalas*. Our greatest men have been brought up in our *pathshalas*, and therefore it should be the concern of the Administration, it should be the concern of the people of this province that our *pathshala* teachers are not only well-qualified teachers, but also in a position to be free from worries and anxieties. This is not a new theory that I promulgate. Long before the Muhammadans came to this country the Hindus had a system of free education in *pathshalas*, but not only free primary but free higher education. They had no colleges, cosmopolitan colleges, but they had eminent professors in different parts of the province who taught different branches and the students also got free board and lodging. Those good old days are passed. Can we not expect now that our people and the Department of Education should pay a little more attention to our *pathshalas* and improve them before improving the Universities and having additional classes and lecturers? Unless the foundation is well and truly laid it is no use trying to build a magnificent mansion. We may be proud of the fact that we have provided facilities for distinguished scientists like Sir C. V. Raman to make experiments and discover things, and we are proud of the facilities we have provided, but we ought also to see that our little boys in our *pathshalas* are cared for.

Sir, there is another thing to which I would draw the attention of my friends here. Here, in this city of Calcutta, boys, Hindus and Muhammadans, whose parents can afford to pay, are sent to European and Mission Schools and not to the schools run by the Department of Education. I know, and I have asked a member of the Education Service why it is that these gentlemen sent their boys to Mission Schools and European Schools instead of to the Calcutta Madrassa. The answer was that they were better institutions. What I submit, Sir, is that in the primary stage, as well as in the secondary stage, our boys should be taught not only the text-books, but should also be equipped for greater responsibility and to be men of character. Herein I may mention that it was my privilege, or I might say my misfortune, to examine boys for admission to a particular school. We are all crying here about unemployment and the *bhadralaks* being without employment. The Hon'ble the Finance Member will bear me out that the training ship "*Dufferin*" gives a very good scope for employment. Up till now they have passed 103 boys, out of which 101 have been well employed. This year I had the privilege of examining boys for admission to it. We examined no less than 86 boys and with the greatest difficulty and by my attempt I could secure admission for only 5 Bengalee boys. All these five boys either came from the Cathedral Mission School, St. Xavier's School or a school from

Darjeeling and only one boy came from a school in Asansol, but not a single boy came from any of your Government schools. Of course, the Hon'ble Minister and the officers of his department will say that their good boys do not care to go there. To that I would reply that their good boys do care to apply for posts carrying Rs. 30 only, but do not care to go to the training ship where after passing the course they can secure employment as good as Provincial Service appointments. The advancement of education in my humble opinion does not lie in its big volume, but it is the quality that is wanted. Sir, some years back at a gathering where you and I were present, it was stated by a distinguished countryman of ours that what Bengal thinks to-day the rest of India thinks to-morrow. But what do we find to-day? What Bengal thinks to-day, even the province of Bihar which was the weakest limb of our province does not care. Our education has deteriorated and our boys cannot meet on equal terms with the boys from other institutions about which formerly in our days we did not care. One thing more: I do not agree with the large majority of my friends on this side of the House who denounce the action of the Government in restoring the 5 per cent. cut in pay. I say that the action which the Government have taken is well deserved. It is no good keeping servants dissatisfied and ill-paid. (Here the hon'ble member quoted a Persian proverb.) That is my opinion, but that does not mean that I approve of the extravagance of the Government. There are many branches and many departments of Government where they can have real economy. As I have said before, they are lavish in their expenditure and in the adornment of the Treasury benches here, but when the question arises about spending money for the people who live in agricultural and rural areas, they are at one in their stinginess. The rural population of Bengal provides the funds and they are the earning members of the family politic and the rest of us is nothing better than the widowed sister of the agricultural population. But at the same time I must say that the earning member of the family has always been and is to-day the most neglected member of the family. As it is not possible for me nor do I think it desirable to detain the Council by talking about other measures—of course I think I shall have an opportunity of speaking about the rural improvements some time next week—I resume my seat with an appeal to those members who have been good enough to be present to-day to hear this desultory discussion that they will pay some attention to my remarks.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

**SETH HUNUMAN PROSAD PODDAR:** Sir, I am afraid I cannot compliment the Finance Member on his Budget. His speech and the statements prepared by him do not in the least disclose any "distinct improvement in our financial outlook," which he has assumed in a

facile manner. His array of facts is just like the marshalling of troops by the Good Old Duke of York who marched his men up the hill and down the hill. The Budget facts and figures are just like that and nothing more. It has now become an accepted fact that the Bengal finances should be stabilised on the basis of an annual deficit of nearly Rs. 2 crores. The estimates for 1935-36 given to us are on traditional lines. If the revenue account is considered, exclusive of the anticipated share of the jute duty, we are obligingly invited to face a deficit of Rs. 2 crores and 27 lakhs during 1935-36. And yet the Finance Member speaks of a distinct improvement in our financial outlook!

Begging, borrowing and stealing are supposed to be the well-known methods of augmenting one's income! Barring the last, for which of course we are very thankful, the Bengal Government have tried every other way. They have no scruples about borrowing. Why should they? They have tried borrowing, for they have already borrowed about Rs. 5½ crores from the Central Government. As a change this year, the Finance Member is going to take his hat round for collection from the charitably minded Central authorities. In order to give no room to the donors that as the Bengal Government are able-bodied beggars and as such do not deserve any help, they have most courageously taxed the semi-starved and ill-clad people of the land to the tune of Rs. 24½ lakhs. Magnificient indeed is the feat of the Finance Member!

If he tells us that he must have his Rs. 24½ lakhs and that he has no other alternative but to tax, I would most humbly point out to him—"For God's sake do not be partial to your own children, think of others also." What is the hurry, pray, for restoring the cuts, which means an added expenditure of Rs. 17 lakhs this year? Surely, your parental heart need not be unduly solicitous towards them, for they are infinitely better off than the average inhabitant of the province and could easily wait for better times. Again, what is the necessity for increasing the terrorist expenditure from Rs. 57 lakhs to Rs. 62¼ lakhs? We, every one of us here, want this plague spot—I mean the menace of terrorism—removed from the fair name of the province. But why overdo anything and go in for unnecessary expenditure? To a series of questions of mine the Government have admitted a few days back that the terrorist crimes are decreasing. When that is so, there is absolutely no reason to increase the expenditure. The present scale of expenditure must be certainly sufficient.

Then, again, several important recommendations of the Bengal Retrenchment Committee have been conveniently ignored by the Government. If only they have been given due consideration and immediate effect, the deficits could have been considerably abridged.

If the Finance Member has incurred these deficits or even a small part of it on account of increased expenditure on the nation-building

departments, there would have been some consolation and satisfaction. There is no increased provision for better medical aid or for sanitation, excepting a paltry sum of Rs. 12,500 for Jadabpur Sanatorium. For the working of the State Aid to Industries Act the Finance Member has devoted a munificent sum of Rs. 5,000. The unemployment problem is staring like a hydra-headed monster and little or no thought has been devoted towards its solution.

On the whole, Sir, the Finance Member seems to have been content with following the much-condemned beaten tracts of the former years and has contributed little or nothing towards the solution of the financial ills of the province.

**Maulvi SYED MAJID BAKSH:** Sir, while I yield to none in the well-merited adulation that has been showered on the efforts of the Finance Member to balance the Budget, I must begin by saying that the efforts of the Finance Member ought to have been better directed and conducted in a better way. I have no quarrel with him about the figures that he has put before the House, nor would I like to refer to the figures in the items that he has presented to us as his Budget estimate. I have no grudge against anyone or against him about the slightly increased expenditure that he has shown in the last column of the Red Book on page 7, although that indicates that the restoration of the 5 per cent. cut is largely responsible for it. But what I would like to point out to him is that, if, instead of following the beaten and trodden path of the olden days, he had applied a little imagination to the subject, he would have been able to present us with a better set of figures on page 6, namely, on the income side. What I mean is that when it was found that the income of the province was going down and the expenditure was going up, some sort of consultative arrangement should have been made by the Finance Department in order to cope with the coming danger. As some of my friends have suggested, had this country been a free country, I think Government would have compelled the Finance Member to adopt that course. I may here refer to what other Governments have done in similar circumstances. Of course, I would like to begin with England and say that when it was found that the Budget of England could not be balanced, she did not hesitate to give up her age-old traditional policy of sticking to the gold standard. Nor did she hesitate to give up the traditional policy of the genius of the English race, namely, free trade and introduce in its place a tariff in order to balance her Budget. Now, coming to America, when it was found by President Roosevelt that the Budget of that country could not be balanced, that a huge deficit was facing him, that income was dwindling down and that expenditure was on the rise, he did not hesitate to attempt appointing a committee, or to speak correctly, a consultative committee of experts, professors of

economics and banking, and others and entrusted to them completely the task of chalking out a path, which ultimately found expression in the Recovery Plan. As soon as that Recovery Plan was published, President Roosevelt did not hesitate to take powers from the Congress so drastic that it would be dangerous for a free country to adopt, measures which would be the negation of democratic government. After those powers were adopted, they were applied so drastically that America is now getting round the corner and is having at least a balanced, if not a prosperous, Budget.

**The Hon'ble Sir JOHN WOODHEAD:** That is not so, Sir. America has still a very large deficit.

**Maulvi SYED MAJID BAKSH:** Even if I concede the point, Sir, that America has still a deficit Budget, yet it must be said that she is in a very much better position than she was years before. I mean before she adopted the Recovery Plan. I think the Finance Member here will not suggest that England has a deficit Budget. On the contrary, England had a large surplus last year, and this year too. I want to indicate that, when by going along the trodden path, you find it very thorny, it is only common-sense that we should deviate from it. But our Government, bureaucratic and hide-bound as it is, did not find it, in its genius, to change its way. No such attempt, as I was going to tell you, was made in this country to take expert opinion as to how the income could be increased or to find out methods, not the recommendations of the Retrenchment Committee, or other schemes by which drastic changes could be effected, but others which, if adopted, would ultimately go a great way to balance our Budget. But this was not done and since this was not done, we are carrying on the dull old deficit Budget.

I am not oblivious of the fact that this year the deficit has come down to Rs. 69 lakhs *vis-a-vis* the deficit of the past years which went up to Rs. 2 crores or 1 crore and odd lakhs. But even that deficit could have been avoided in a rich country like Bengal if proper measures were adopted to increase the prosperity of the country. Although rich men spend much, yet they do not contribute to the bulk of the taxes. It is the lower middle class, if not the very poor, that contribute to the bulk of the taxes, as will be seen from the practice of taxing salt, of taxing matches and in the tax which it is proposed to put on tobacco. We know it very well and since Government are to find out the hen that lays the golden eggs, it would have been better to adopt a policy to improve the health and the laying capacity of the hen. Sir, if you look at the Census Report, which was published only a year or two ago, you will find that in Bengal there are areas which are, perhaps, the most populous in the whole world—areas which have

a population of 2,000 per square mile, as compared with Saxony which has only 700 or 800 per square mile. In that Census Report it was also pointed out that the capacity and the potential sustaining power of Bengal is not exhausted; that Bengal with the resources which she already possesses and the latent resources which she has already in store, the can sustain a population twice that which now exists. But who is to tap these resources? Nobody cares to think of it. As I was telling you, Government, as it is now constituted, is utterly lacking in imagination. As one of my friends has pointed out, it is only trying, after hard labour, to produce something—I do not know whether it is a 6-foot man! It is the beginning of its producing capacity. If we, Sir, tackle the problems in Bengal, if we really revive the decadent areas, as we were told by His Excellency the Governor the other day that a Development Bill had been brought forward before us to increase the productive capacity of these areas by judicious methods of irrigation, canalization, and draining of the marshy lands, and thus improve the health of the population, I think we can yet find a solution of the problems and the province may be rich once again.

Sir, I might refer you to the tract of country which is lying decadent —the tract of country from which I come, viz., Jessore. I can also refer you to the contiguous tract of country next to Jessore, viz., Nadia. You will find that not by any divine vengeance but by the act of man the river sources have been so much obstructed that these areas have been deprived of their natural sources of irrigation and have thus fallen into decay. You will find that these tracts were not malarious before, from the very fact that nowhere in Bengal, except in these places, there were early European settlers. You will find that in the subdivision of Jhenidah there were European settlers: in the subdivision of Magura also there were European settlers and they built houses—palatial houses—which are now lying vacant. You will find there big *kothis* of Mr. Monnica, and all these are absolutely desolate now. You will find big *kothis* built by Europeans in the district of Nadia in the subdivisions of Ranaghat and Kushtea, and these are all decadent now. From this I would say that they have been decadent only owing to the mistaken policy of the Government in allowing to dry up the natural sources which carry the vital fluids of this province. The rivers are like so many arteries that carry the life-blood of a province like Bengal, which is mainly an agricultural province; and depends for its fertilization upon the vital fluids that are carried down by these great arteries. I would, therefore, suggest that the first thing that the Hon'ble the Finance Member should recommend to his Government is that these areas should be developed and made productive again. There are miles and miles of desolate tracts, without any human habitation—mere jungly wastes, where beasts of prey, alone, are prowling about. I do not know what policy the Government will

adopt to make these areas productive. They have, perhaps, owing to a wrong policy, which they have followed wasted a large amount of money, but have not been able to do anything to improve these large areas because they have been toying with the chimerical idea that they would be able to improve the miserable condition of the people. Therefore, Sir, if anyone were to suggest to me that the poor Finance Member is struggling in difficulties, I would say in reply that it reminded me of a poem of the great poet Tagore, which says that when a prisoner was asked as to who had imprisoned him his answer was "I myself"; and, again, "who forged your chains": "I myself!" It is this mistaken policy which has forged the chains, and nobody is to be blamed for it. While there is yet time to find out the real causes that have brought about this deplorable state of things, I think you will yet be able to get over the difficulties. I would suggest, Sir, that even now we might have a consultative committe of economists and ask them to find a way out of this impasse—this morass of economic depression: I do not think there is any dearth of competent economists in this country. And if that committee can suggest a remedy, we can proceed on the right lines straightaway

Sir, I am not going to criticize the detailed items of the Budget, because that sort of criticism has been repeated year after year without any appreciable result. There are three big heads of revenue in the Budget, viz., Land Revenue, Excise, and Stamps. These are the three main sources of revenue, or, rather, the three big earning members of our "family". While, Sir, we find that in other provinces the amount of land revenue is very high—not only high, but it is elastic and can be adjusted from year to year according to the needs of the province—in this poor province of ours the revenue is not only fixed but is very, very low. I need hardly tell you that it is the direct result of the Permanent Settlement. Unless and until you can tackle the problem of Permanent Settlement, it would be useless for you to expect a very large revenue from this source. I know, Sir, that some of my friends here will be unnecessarily frightened out of their wits as soon as I have refered to the Permanent Settlement.

**Mr. J. N. GUPTA:** The heavy deficits in our Budget for the last five years, our continued inability to find suitable funds for the nation-building departments of the Administration, and the fact that this Council and the present Government will be soon making over their responsibility to other hands make the present perhaps a suitable occasion to take stock of our present position and to see whether it is not possible for us to hand over to the future Government any suggestions and any line of policy which they might consider desirable to consider and which in our judgment would be likely to extricate this unfortunate

province from its present perilous position. We know, Sir, that at present our chief anchor of hope is better financial treatment at the hands of the Central Government or rather the committee which will soon meet to adjust the financial position of the individual states in the future scheme of Federal Government. I am sure there cannot be and there is not any difference of opinion that that should be the chief concern of this province till our objective is reached, and we succeed in keeping for this province the whole of the jute tax and a larger share of our income-tax revenue. If the committee's decision be based on principles of justice and fair play to all concerned, we have little to fear, for it is not a case as one leading paper says of other provinces having to make sacrifices for Bengal, but rather Bengal's refusing to continue to make sacrifices for the benefit of the Central Government and other provinces.

But the point which I wish to urge to-day for the consideration of the House is whether there are not other directions also to which we must turn our attention for retrieving the financial position of this province. I submit there are, and here also I am happy to be able to say that there is no difference in our outlook for all classes of thoughtful men in Bengal as well as the Government are united in thinking that it is the improvement of the economic condition of Bengal, but particularly of the agricultural classes, which should be our principal concern, for it is by this means alone that the wealth-producing capacity of the people can possibly be enhanced, wealth to feed the depleted coffers of the Government as well as to relieve the people from the woeful economic plight into which they have fallen. It is a matter of sincere congratulation that the present Government is making strenuous efforts to work out a scientific plan for our economic recovery. The memorable speech of His Excellency the Governor in November, 1933, has been followed by the appointment of a Rural Development Department with a Development Officer at its head and the appointment of an Economic Board to examine the economic situation of the province and to devise suitable means for its recovery. The result of the labours of this Board of Economic Enquiry and their Bill for the Relief of the Indebtedness of Rural Bengal, as also the Bengal Development Bill for the improvement of the decadent areas in the province presented to the Council the other day by the Hon'ble Member in charge of the Bill are now before us. Now that such strenuous and sustained efforts are being made to work out a scientific land, would it not be pertinent to ask what is going to be our next step. In order to apply these beneficial measures into practice, large financial outlay will be necessary. Where is the money to come from and how long can we have to wait till these measures are actually put into operation? Here I will at once refer to what the Board of Economic Enquiry themselves say in the report about the Debt Bill:

"If Government could see its way," say the Board "to raising 2 crores and distributing it like agricultural loans through its own officers, in order to pay to each *mahajan* one out of the eight or twelve instalments of awarded debt, the chances of the scheme being a success would be increased enormously." For as they point out some of them are not convinced whether conciliation alone without some attempt at simultaneous part payments in cash or debentures of the creditors' dues will yield results worthy of the organization and expenditure involved. Turning to the Development Bill, although we may all agree that in order to enable the Government to invest money on these schemes of irrigation and bonification, some means will have to be devised as has been done in the present Bill for Government to recoup the money they will invest by claiming a part share of the proceeds from the improvements affected. But even then, can we get away from the fact that initial expenditure will have to be found and the schemes to be of any permanent value must be of a scale suitable to the requirements of the case His Excellency in his speech the other day, in reviewing the activities of the Government in grappling with the economic problem of the province, admitted that the chief obstacle in the way of any forward advance has been finance, but although in a previous speech His Excellency had given assurance that the money required will be somehow found, there is no indication in the present speech as to how and when it will be found.

There is another point in connection with our recovery plan to which I must draw pointed attention. It must be agreed that to bear permanent results the problem must be attacked on two fronts; while on the one hand efforts must be made to relieve the agriculturists of their unbearable load of debts and to provide for cheap agricultural credit to facilitate agricultural operations, to resuscitate our dead and dying rivers and thus provide for the irrigation and bonification of our decayed areas in Central and Western Bengal simultaneous efforts must be made to teach the people how to create more wealth and earn more than they are doing now and thus make a substantial increase in the intellectual outlook of the people and the standard of living are raised to a higher level, so that they can think for themselves and learn by their own exertions to improve their lot in life, it will hardly serve much useful purpose to free them from their debts because no sooner this is done, it will not be long before they will again lapse into their present condition of helplessness and debt encumbrance. I am aware that the Government is not oblivious of this side of its task and it was with this object that the committee of the Economic Board was specially charged with the duty of preparing a workable plan to show the people how they could produce more wealth. I do not remember whether this particular committee have yet submitted their recommendations, but fortunately there is a vast field of reliable material

already available on this subject which has been quite admirably codified by Mr. S. C. Mitter in his book on the Recovery Plan of Bengal, but here again our difficulty has always been the want of finance. I need not take up the time of the House in recapitulating the various topics connected with a continued starvation of the social service departments of our administration and its repercussions on every phase of our national life and progress. As is well known, we have spent far less per head of the population not only as compared with the advancing countries of the East and West but also as compared with the other major provinces of India, a fact noticed by such impartial observers as the late Agricultural Commission and Sir Frederick Leyton in his investigations for the Simon Commission Report. The outstanding fact which emerges is that this province has not got at present and has not had for decades past sufficient funds to undertake comprehensive schemes for the moral and material uplift of the people on a scale at all adequate for our needs.

(At this stage, the President vacated the Chair which was taken by Mr. Thompson, one of the panel of Chairmen.)

It is therefore not unreasonable, Sir, that after one decade of the Reform Constitution has run its course and another is soon to begin that we should ask what are Government's ideas for an improvement in the situation as far as this vital question is concerned. I hope we will not be told that as we have waited so long would it not be wiser to wait and see what our financial position will be under the new scheme of Reforms and in the meantime to devote all our attention in preparing the ground. In fact, I can also anticipate objection on the score that it might prejudice our case for a more generous treatment at the next settlement if we attempt to raise money now to finance schemes for the social and economic amelioration of the province. Sir, it is such views and such apprehensions with which we are fundamentally at divergence. In our humble judgment it is just as imperative to take immediate steps to stem the downward course of our economic and agricultural deterioration as it is to uphold the reign of law and order in the province. Sir, we do not deny for a moment that the foundations of society and of ordered Government must be maintained and that the lives of the officers of the Government who are responsible for carrying on the administration must be safeguarded, but we are equally convinced that it is not less important and no less a primary duty of the Government to save millions of its people from the ravages of disease and poverty and a life of stagnation, of misery which is worse than death. We are also deeply convinced that unless the Government show the same determination, earnestness and resourcefulness in grappling with the problem of the deepening poverty of the people as they have in grappling with the menace of terrorism the first steps for an actual forward movement in the economic field will never

be taken. In our opinion the claims of the one are as urgent as of the other. Furthermore, we strongly hold that without simultaneous efforts in the direction of the appeasement of the people by the improvement of their economic welfare, one-sided efforts to eradicate terrorism by a recourse to coercive measures alone can at best achieve temporary and partial success, a view point which the Government also hold as well as we do. Nor do I think, Sir, that if we have to raise a loan for the economic need of the people, it will prejudice our case in any way in the next settlement, for I am firmly persuaded that such a step is sure to bring into greater relief the financial difficulties of the province, for it is not only our waning deficits in the Budgets caused by expenditure which we have actually incurred, but the still more dismal gap of possible expenditure in fields considered primary by all civilized Governments, but which have in Bengal been so long and so sadly neglected. This in my opinion further weakens our case for a fairer financial treatment. We shall at the same time be doing our duty to the future Government by not only handing over to it a well-thought-out plan of financial economic recovery but also a clear indication as to how the plan is likely to work in practice.

You will permit me now, Sir, at this stage to make a few suggestions and to make a few observations on the possible ways in which the required funds might be found. There are obviously only three possible ways—the first by raising a loan, the second by fresh taxation, and the third by redistribution of our principal heads of expenditure. I must at once say that I do not see any prospect of our obtaining any large resources of additional income either by taxation or by redistribution. For additional taxation at the present time and as far as one can see for years to come is probably unthinkable for Bengal. Redistribution can be in two different directions, either by still further retrenchment in the cost of the administration or by a diversion of a portion of the money from the unproductive departments of administration to the departments which aim at the increase of the wealth and the resources of the people of the province. It must be well known to the Treasury Benches and the Government that public opinion in Bengal has for some years past been strongly in favour of action in these two directions. I do not wish, however, to take much time of the House in discussing such topics as a possibility of still more drastic retrenchment in our Administration. We have been told that there is a grave risk of a serious deterioration in efficiency if the cost of the Administration is still further retrenched in Bengal. There may be, and probably there is, a great deal of force in this argument, but, Sir, does not that—

(At this stage the member reached his time-limit, but was allowed to continue.)

I am afraid, however, for a radical change in our ideas of the standards of values, we must wait till the next popular and national Government comes into being and puts its own house in order. Lastly, I should like to say a few words about the agency which we must employ in order to put these measures into operation. I am pleased to find that the Economic Board recommend that there may be a concentration of all the Government officers engaged in these social departments in each union board of each district. This is a view which I have always held for a long time and have always submitted my views to the Government at a time when I held an official position. That in my opinion is the only possible way in which we can get a move on. Furthermore, I think that unless the District Officer in each district is constituted by Government to be the Development Officer in his own district and is able to bring into line all the agencies, both official and non-official, that might be available for this work, much further progress cannot be expected. Sir, I would conclude by urging that Government should lose no further time in taking steps to put through beneficent objects and motives into actual action. This is the most opportune time, Sir, because the whole of the province, all thinking men in the province, consider the economic problem to be the basic and most paramount problem, and also at the present moment we have the great advantage, the invaluable asset, of having the guidance, the statesmanship, the driving power and sympathy of our present Governor.

**Dr. NARESH CHANDRA SEN GUPTA:** Mr. Chairman, Sir, I should like on this occasion, which perhaps is the last occasion on which I may have the privilege of joining in the general discussion of a Budget, to deviate from my practice in the past and to cover a wider field than the Budget itself. The Council is under a decree for extinction. We have passed a long and in many ways, an eventful period—I should have been happy if I could say a period of usefulness—in the life of this Council, and it may be worth while to have a retrospect of the Administration as it has been conducted during our régimé. The present year's Budget may offer a good starting point for this discussion. Sir, the Budget which has been presented by the Hon'ble Finance Member, is in many respects a remarkable performance, distinguished in many respects from its predecessors. There is no longer that wild speculation with inflated incomes that landed us into more deficits than there was need for in the past. There is no longer the same hankering for extravagance. On the other hand, the Budget figures show the hand of a prudent financier. But none the less this Budget is a sister of its predecessors. It shows no new orientation of ideas. It does not show any expansion of ideas and it is the same as its sisters in the eternal preoccupation with the pounds, shillings and pence of revenue

—a preoccupation intensified by our poverty to such an extent that we have to go out and impose new taxation upon a hopelessly impoverished country. Talking of these taxations and of the reasons why the new taxes have been proposed, my mind travels back beyond a century when, under very different circumstances, the administration in Bengal had to make strenuous efforts to raise the utmost revenue that it could, regardless of the condition of the people, in order to satisfy—not the Government of India then—but the Court of Directors in England. We all know what the result of that was; we all remember the great famine ছিয়াত্তরের মন্বন্তর as it was then called. In introducing these measures of taxation we have to develop a mentality, under compulsion from outside, similar to that of the officers of the East India Company in those days.

Apart from that, as I have said, this Budget brings before us no cheering message of an immediate recovery of the province from the slough of economic despondency into which it has fallen. There are no programmes for development which would fire the imagination of the people. There was great need of such a message which would show a change in the outlook of Government, which would promise great achievements in the immediate future. That promise Sir John Woodhead has not given us. I am not unmindful of the remarkable change in the outlook of the Government which has taken place in recent times. After four years of devastating depression Government has at last come forward with some little measure of relief. I am not unmindful of what Government is doing to-day for restricting the cultivation of jute—a thing which they ought to have taken up four years ago. I am not also unmindful of the recommendations of the Economic Inquiry Board for the conciliation of the debts of agriculturists nor of the new Development Bill which has been introduced by the Hon'ble Member in charge of Irrigation. Nor do I forget that this welcome change in the outlook of the Government has coincided with the coming of His Excellency the Governor to the province. For this change in the outlook I am grateful to the Government and to His Excellency who has taken great interest in the economic welfare of the province. But all these are but little droplets of water in a thirsty desert. The situation in Bengal is desperate and it calls for supreme courage and imagination to grapple with it. That courage the Government has failed to show and the imagination is not yet in evidence. The Government is still going on cobbling and tinkering where the need is for root and branch reform. These small measures are not exactly what we want. We want a great economic plan which would revivify the economic life of Bengal and make it what it has a right to be—a rich and prosperous province, happy and contented. It is not inconceivable that with the resources that we have got and with a well-planned scheme of development, Bengal can be made in the course of

five years a very different Bengal from what it is now. But to work out such a scheme would require a far greater fund of imagination and much immenser outlay of courage than the Government has hitherto shown or can be expected to show in the near future.

During the past four years we have been faced with a terrible economic distress. We have only said that it is the decree of Providence. The Government have tried to give us solace by saying that other countries have also suffered from this world economic distress. Only they have forgotten to tell us what the other countries are doing. My friend Maulvi Syed Majid Baksh has referred to what is being done in some of the other countries. They have not simply thrown up their hands. No country has been sitting idle faced with this economic crisis. We have not been sitting idle either, the Government will say, because we have got these schemes. But look at the problem, and at the ridiculous inadequacy of the schemes in hand. What we want is to muster all the courage that we are capable of, all the resources that we can command, and to go forward to fight the distress with adequate weapons. But the Government has not done any such thing, and it has not achieved anything in the past. In the past four or five years that we have been here we too in this Council have not succeeded or even seriously attempted to force the hands of Government. That is the net result of our work during the past years so far as the economic condition of the country is concerned. It is not a record of which either the Government or the members of this Council can be proud. The net result is absolute futility.

But there is one thing for which the Government will take credit and has taken credit. All the years the Government has been fighting to suppress the subversive movements—the civil disobedience movement followed by terrorism. These movements have been fought and ample resources have been found for fighting them, and the Hon'ble Member has told us how the burden of the expenditure involved in the suppression of terrorism has made it impossible to balance the Budget or to think of having a scheme or programme of development of the country. If the Government is right in its prognosis that they have been able to suppress the movement, no one will be happier than myself. Let us all hope that we have heard the last of terrorist outrages in the province. But if that end has been achieved, at what cost has it been achieved? The Hon'ble Sir John Woodhead has given us one side of the bill costs—the pounds, shillings and pence. It is a tremendous cost; an enormous cost. But that is very little compared with the other graver items. From the very outset of the Government campaign against what was then but incipient terrorism, I have had to oppose the Government programme for the suppression of terrorism, and for that, I was marked down as an enemy of the Government. I was not any less anxious than the Government that there should be

no terrorism in the country, I was anxious that terrorism should be dealt with by methods which would on the one hand wipe out terrorism and on the other hand keep the country alive. My programme, as I said before this, was to win the people on the side of the Government and to spread the message and to back it up by actions that the Government was a friend of the people. If you had the people on your side and if you could convince them not by mere words of mouth but great and massive achievements, then you would have created an atmosphere in which terrorism or any subversive movement could not thrive for a single moment. And you could have proceeded with the ordinary instruments which law placed in your hands to deal with the actual crime. That was the method which I have suggested on more than one occasion. If you had proceeded in that way, there would have been no terrorism to-day. But on the other hand, there would have been a great fund of good-will between the people and the Government; there would have been a great spirit in the people to drive forward in co-operation with the Government to achieve all that they were capable of. On the contrary, the method adopted by Government has perhaps suppressed terrorism by keeping thousands of young men under imprisonment, by devastating hundreds of families and worse still by breaking the back of the whole of the youth of Bengal. You have uprooted terrorism, but you have uprooted a great deal more in the process. You have taken away the spring of the life and achievement of our youth, and the result of that would be a blank history for years.

(At this stage the President returned to the Chamber and reoccupied the Chair.)

Looking back at the past years, I feel that, notwithstanding the suppression of terrorism, it is a bleak and barren desert, slaked with the life-blood of some of the flower of our youth, and steaming with the sighs of an impoverished population. That is a retrospect which ought to make ones heart sink. Let us hope that a brighter future lies before us, but such hope does not spring lightly in a heart which has that experience behind it. Let us hope, however, that those who would come after us would have a more cheerful task to perform and would be able to put a more brilliant record in the pages of the history than it has fallen to our lot.

**Maulvi ABUL QUASEM:** Mr. President, Sir, I have carefully gone through the statement that was made by the Hon'ble Finance Member in introducing the five taxation bills in the Council. I have very carefully studied his Budget speech, a printed copy of which was circulated to all the members. But the prevailing impression left on

my mind, after reading that speech, is one of gloom, "unutterable gloom." There is no light, no ray of light anywhere. Sir, the conditions that prevail in the countryside, in the rural areas, literally beggar description. It has been admitted by the Hon'ble Finance Member that the price level of agricultural products is still very low. Though there seems to be some improvement in the price of paddy, still the price level is low. Sir, I come from a part of the country where the staple agricultural products are three, viz., paddy, jute and *gur*. Would it be believed if I say that *gur* is now sold—and this is the season—at Rs. 2-8 per maund—a price which does not cover even the cost of production? The price of vegetables too is incredibly low. It is a fact, which cannot be contradicted or denied, that all the sources from which money used to come into the pockets of cultivators or labourers have literally dried up and they are living an existence of abject misery which cannot be exaggerated. I have seen with my own eyes that, women belonging to the peasantry and the labouring classes, have not got enough clothing. I do not use the language of exaggeration—to hide their shame. This is the situation in the country, Sir, but what is the Government doing to relieve the distress—the undoubted distress—that is prevailing? Nothing that we know of. On the contrary, they are going to impose fresh burdens of taxation upon the people. On this subject I have already spoken the other day but I think what I said then bears repetition. At least one tax, viz., the Tobacco Tax will have the undoubted effect of driving many people out of this business and will add to the prevailing unemployment in the countryside. It will also hit the poor consumer. Still Government persist in pressing forward this legislation. Sir, if we felt that Government was doing its best to retrench the cost of administration we might have gone a great distance with them in supporting Government, but we are not convinced that Government have done their best, *i.e.*, all that is possible in the circumstances, to reduce the admittedly high cost of administration. It is an undoubted fact that the public service in this country is remunerated on a scale unprecedented anywhere in this world, but Government say that they have got to maintain a certain standard of administration and for that a huge amount of money is necessary. Well Sir, that is the Government's view and not the people's view. The people feel that there is great room for retrenchment in the cost of administration. As has already been pointed out, the posts of Divisional Commissioners might be abolished, the size of the Cabinet might very well be reduced. But Government did not think of doing any of these things. Public opinion would have supported Government if they took courage in both hands to reduce at least the number of Members of the Executive Council when an excellent opportunity presented itself—one Member having died, and one Member having retired. But Government filled these offices again and did not think that it involved any considerable expenditure. In their

eyes the expenditure might appear to be inconsiderable, but to the people, Sir, it is a heavy expenditure. I say, Sir, there is absolutely no justification for this expenditure.

Sir, what is Government doing really to help the people in order to raise the price of jute? Government have made an appeal for the valuntary restriction of this crop. I am not an expert on this subject. A vast amount of literature has been published by Government on this subject but I could not find out the utility of this voluntary restriction appeal. The peasantry and the labouring classes, unless they see their neighbours actually carrying this advice into practice, will never follow it and the moment the price goes up the people will be only too keen to put as much area under cultivation as possible. What would be the effect of this voluntary restriction scheme? In my humble opinion the people who would get benefit out of this rise in price would be the middlemen—*aratdars*—who are keeping a large quantity of jute in stock in the expectation that the price will rise and the peasantry, namely, the producers, never in a position to retain the products in their hands for long, parted with their crop not long after it had been harvested. We are told that there is enough stock in the jute market to supply the demand of the world for two years to come. Thus the people who stand immediately to get benefited from this scheme, if it proved a success, will, in my opinion, not surely be the peasantry or the producers. Sir, we hear much talk about the revival of village industries nowadays. There has been really much talk about it and Government says that it has been doing something but to us that something appears to be nothing compared to the requirements of the situation. In this connection one thing has amused me not a little Mahatma Gandhi, the great Indian leader, has started an organization called the All-India Village Industries Association. What has been the effect of the starting of this organization on Government? The effect has been that Government have been suddenly galvanized into action. They found that the Congress was going to steal a march upon them so they must not sit still but must counter its activities. The primary idea is not that the people should be benefited but steps should be taken so that the Congress might not appear in a pleasant and attractive light before the public. Therefore, they have hurriedly circularised all their officers to do all they can to revive the village industries. But Sir, why was Government inactive so long? I wonder why we should not thank Mahatma Gandhi from the bottom of our hearts for having spurred Government to action which was hitherto singularly lacking on their part.

Sir, I am not one of those who find fault with Government for spending large sums of money on suppressing the terrorist movement which unfortunately prevails in this province. I feel, whatever might be said to the contrary and much has just now been said by Dr. Naresh Chandra

Sen Gupta, that whatever Government is doing in this respect cannot but have our support. They have done right in attacking the movement in a frontal way and if money is needed for this purpose the country must supply it. These terrorists are spoken of as if they were the real patriots and saviours of this country. But Sir, I am totally of a different opinion. It is said that it is economic depression and starvation which have led these young men into adopting these subversive methods. I do not believe it. Many of these young men are well-to-do people and I know the fathers of some of them. It is not want of employment or want of means that has driven them to desperation and into embracing this movement. The truth is that they have got wrong ideas into their heads. They have proved by their action that they are not friends but really the enemies of their country and their activities have cost us, the poor people of this province, the huge sum of Rs. 262½ lakhs so far. I would support Government in all reasonable expenditure to combat terrorism but I cannot understand why Government should ask us for the coming year for an increase of Rs. 5½ lakhs over the expenditure that has been actually incurred this year for fighting terrorism. His Excellency the Governor the other day told us that the movement was declining and its visible outward signs were certainly less than they were before. It has been said that Government has got the measure of this movement and that the movement is now under reasonable control and that there has been a distinct improvement in the situation. So, in the light of this statement, I do not understand why an increased expenditure should be thought of. I honestly feel difficulty in supporting Government for this increased expenditure. I should rather have thought that Government would cut down this expenditure because of the admitted improvement in the situation.

Sir, I would now refer to one thing and it is a local matter in which I and my constituency are keenly interested. I come from the Satkhira subdivision of the Khulna district which is the biggest subdivision of that district both in point of area and population. Government, in the Agricultural Department, has done my subdivision a singular honour very recently. I believe members of this Council have been supplied with a pamphlet in Bengalee entitled সাতক্ষীরা মহাকুমার কৃষি সমস্যা (The Agricultural Problem of the Satkhira Subdivision). The moment the pamphlet was delivered to me I was very much struck by the honour which I supposed was done to my subdivision; but after going through the contents of the pamphlet what did I find? I expected that it displayed some genuine anxiety on the part of the Agricultural Department to do something for my subdivision. But I found the pamphlet contained a regular libel upon our people by characterising them as lazy, indolent and incompetent, and not in the least progressive. It says that they did not do those easy and obvious things which would at once bring the kingdom of heaven and earth at their door. I found

the whole thing written in the style of a schoolboy's essay, as immature in thought and expression as one would expect to find a schoolboy's composition. I believe, Sir, if Government is to spend money on its Publicity Department in this way they had better close up this department. I did not find that this pamphlet contained a single positive or constructive suggestion to bring the much-needed relief to the distressed people of Satkhira. There is chronic economic distress there and in answer to my interpretations the Hon'ble Revenue Member in charge of the Revenue Department admitted last year that agricultural relief had to be distributed among the people in Shyamnagar thana. There has been an actual decrease of population during the last decade in the two thanas of Satkhira and Kalaroa as has been noticed in the last Census Report. It has been due principally to the drying up of some of the water channels, but what is Government doing in the direction of reviving them? Last year we passed the Bengal Waterways Act. I do not know what steps have so far been taken to bring the salutary provisions of this Act into operation. Neither has the machinery that was proposed to be set up has to my knowledge yet been set up. Government is absolutely inactive over the whole thing and this is Government's record.

Sir, take another thing and that is the Bengal Rural Primary Education Act, which has a very high sounding name What has Government done so far to bring it into operation? It is imposing taxation in order to replenish its depleted coffer but it is not at all anxious to impose that taxation which will really be of benefit to the people. I do not say or suggest for a moment that the people are at all fit to bear such taxation, namely, the educational cess, but the curious thing is that Government have left it to the option of certain district boards to avail themselves of what is known as the optional scheme devised by the Government. Under the optional scheme Government would advance the cost of establishment of the Education Board, which would take over the obligations of the District Board in respect of primary education, and would prepare and make ready the ground for introducing free and compulsory education when the time was ripe for levying the education cess. Those district boards which availed themselves of the optional scheme would be in a better position to introduce free and compulsory education when the cess was imposed than those who did not. If this is the view of the Government I fail to see why Government did not think it fit to come to this Council for power to introduce this scheme in all districts. I cannot understand this attitude on the part of the Government.

Sir, I do not wish to take up more time of this House. Though I have offered only criticisms so far, I must say that I am not without gratitude for small mercies. I must make a reference to the grant which is proposed to be made to the Sakhawat Memorial Girls' School, in order to provincialize the school. It is a school which has been

struggling for many years, and I am glad to find that Government have found it possible to provincialize the institution to the satisfaction of the entire Muslim community. Then, Sir, there is another grant to which I might refer, and that is the additional grant for the free distribution of quinine to the extent of Rs. 60 lakhs. (SEVERAL VOICES: It is only Rs. 60,000.) I wished it were that amount. Very well, Sir, I stand corrected; Rs. 60,000 is also something, for which I would thank Government.

(At this stage the member reached the time-limit.)

**Mr. P. BANERJI:** Sir, we from this side of the House have often suggested to Government that they were heading for a crisis. At that time not only the members on the Treasury Benches but our friends on the left—the Europeans—only laughed at and ridiculed us. Now, our prophecy has come to be true and Government have come to grief. With a deficit Budget year after year the Government's only excuse for this deficit is that the additional expenditure is necessary and inevitable for putting down the subversive movement in the country, viz., terrorism. Member after member has suggested to-day that Government have spent this money in most cases unnecessarily.

Sir, broad hints have been given even by those Rai Bahadurs who spoke in praise of the Hon'ble the Finance Member for his deficit Budget, although he does not deserve the praise that is given to him. These members pointed out that if the members on this side of the House were allowed to go into the details and scrutinise the huge amount that is often wasted on this account, things would have been different. We suggested that you ought to satisfy the aspirations of the people. Even to-day we beg to differ from my friend, Maulvi Abul Kasem, when he says that Government acted rightly. What portion of the action was right or wrong is a matter for consideration. Government did right in handling the situation, but not certainly in spending money in the way they did in order to grapple with the situation. If our views had been taken at the beginning, I maintain, without fear of contradiction, Government could have tackled the civil disobedience movement, as has been pointed out by my friend, Dr. Sen Gupta. After all, what was that movement? It was a movement for the use of *swadeshi* goods, a propaganda carried on by the Congress for the use of *khaddar*, a propaganda for the manufacture of salt. Government have often said that they wanted to improve the health of the people and they go about advertising in the way they have done that they want to help the indigenous industries. What have we noticed ourselves? We have seen that this Government do not do what they profess to do. Government after all exist for the protection of the foreign trade. There is no getting away from this fact; there is no denying this fact. This huge sum of money that is spent is spent for dissuading the people

from using *khaddar* and *swadeshi* goods and also not to manufacture salt. I travelled along with Mr. J. N. Basu, who is not here at the moment, in the district of Midnapore, and what did we notice? We noticed that along 500 miles Government officials were engaged, both the police and the military, not on their ordinary duties, but in preventing the people from using *swadeshi* goods and nothing else.

Sir, many members complained that the nation-building departments have not been looked after, because the stingy Finance Member would not part with the money. Nowhere in the world I think so much money is spent in the maintenance of the police and the military. Ordinary criminals are increasing in the country. We are all aware that some time ago Government made room for the civil disobedience prisoners by releasing the ordinary criminals. That was an example set by Government, viz., these criminals were told to go about scot-free. I am surprised that members on this side of the House even talk of Government spending money on the nation-building departments. We have often said that Government exist for the purpose of seeing that the sons of the soil thrive.

Recently, Sir, at the Conference in Delhi, you are aware what the President said. He said, that we could not expect anything so long as there was the third party. I repeat that so long as there is the third party existing here, *i.e.*, this form of Government exists, there is no prospect of things improving.

Now, Sir, Maulvi Syed Majid Baksh spoke of his own district. The other day we heard from the Hon'ble Sir B. L. Mitter about the free distribution of quinine. Maulvi Abul Quasem has just told us about Government spending Rs. 60 lakhs in the free distribution of quinine. (MAULVI ABUL QUASEM: Sir, I corrected my remarks.) Perhaps he wished that it was Rs. 60,00,000. I think, Sir, that even the amount of Rs. 60 lakhs is not adequate enough to combat the malaria problem, particularly in the districts of Jessore and Nadia.

Sir, in reply to a question put by Maulvi Syed Majid Baksh, it was stated that over 2 lakhs of people died in 10 years' time in the district of Jessore alone. That, Sir, is the situation in the country. When Rs. 60,000 is only given for the distribution of quinine, there is no cause for rejoicing on the part of the members on this side of the House.

Sir, the Hon'ble Members and Ministers are going about now for the purpose of restricting the jute cultivation. We suggested this very same restriction long ago, but the present scheme would not do. You must either tackle the whole situation just as it was done in the case of cotton in America and tea in India, the Netherlands and Ceylon. Unless there is at least some law, nothing will be done. What will

happen? A lot of money will only be spent. We on this side of the House have been urging that there should be come curtailment of expenditure incurred on the Cabinet. But what have we found? We have found that there has been additional expenditure. Dr. Sen Gupta suggested that this attempt to restrict the cultivation of jute should have been made five or six years ago. You will be surprised to learn that this attempt should have been made some 25 years ago. In the year 1921, when this propaganda was first started by the Congress, the Congress was successful in reducing the cultivation of jute by about 25 per cent. It was automatic, and no expenditure was incurred on it. If the Government had really asked the Congress Committees, the results would have been different. You are aware what the Government did in 1921: Government carried on a propaganda against the restriction of jute cultivation. From this it will be evident that Government are making a show of doing something. If we look at the report of the Retrenchment Committee, which recently sat, what do we find? I have not got the facts and figures regarding the expenditure incurred on the Retrenchment Committee. It may be Rs. 5 lakhs. And what was the result? The Retrenchment Committee made certain recommendations They suggested that the scale of pay should be reduced in the case of certain services, but not certainly at the present moment. Government have not, really speaking, done anything. What they have done is that in the case of new appointments the new scales will come into operation, and they have estimated that a saving will be effected in ten years' time. I do not know whether this Government will continue till then. Had it been done in any other country, the Government would have been nowhere.

Well, Sir, on the top of this, we find that Government are bent on taxing the people without rhyme or reason. What is the policy of taxation in any other country? The Hon'ble the Finance Member knows it very well, and we have often repeated it to him. The policy is that if you tax the people, then it is the legitimate duty of Government to give them some relief. But, here taxation is imposed on different principles; here taxation means buttering Government's own bread. I suggested the other day also that the Hon'ble Member is only trying to give more money to Government servants by this taxation. Maulvi Abul Quasem suggested that the prices of things in his own district have gone down, and that he had personal experience of this. I tried to point out the other day that Government servants are better off than anybody else in the country to-day. They are piling up money, they are building new houses, not one but two or three in this city of Calcutta. That is one side of the picture. The other side is that people are ill-fed and ill-clad, and that most of them in the countryside are unable to have two meals a day to keep body and soul together. In spite of this gloomy picture, the Ministers are going about in the villages

and they know the position, but they are ignoring these facts. I shall narrate one incident. Some years ago when a famine took place in the 24-Parganas, one sub-inspector of police, a graduate recently from college and just recruited, was passing by and found some persons cooking leaves and herbs in the market place. He stopped and helped them out of sympathy. He made a record of what he had done in his diary. When that diary came to the District Officer, the man was called for and was told that unless he withdrew his statement he would be suspended and sacked. The Deputy Superintendent of Police called him in and told him——

**The Hon'ble Sir JOHN WOODHEAD:** May I take objection to a narrative of this kind——

**Mr. PRESIDENT:** What is he saying?

**The Hon'ble Sir JOHN WOODHEAD:** He is alleging that one officer threatened to suspend a sub-inspector for assisting somebody who was in distress. He gives no name, but makes a general allegation——.

**Mr. PRESIDENT:** Your point is that if there is any substance in his charge, he should be more definite.

**The Hon'ble Sir JOHN WOODHEAD:** Yes.

**Mr. PRESIDENT:** Mr. Banerji, if you want to make any allegation against a Government servant it must be in relation to his official or public capacity. Furthermore you should name him, and be prepared to take upon yourself the responsibility in regard to the accuracy of your statement.

**Mr. P. BANERJI:** Whenever I mention names of some gentlemen and take responsibility, it is objected to on the ground that these are facts of recent occurrence, and the Hon'ble Member on the Treasury Bench rises to a point of order.

**Mr. PRESIDENT:** Order, order. You have had my ruling on the point and you must abide by that.

**Mr. P. BANERJI:** This is not a recent occurrence, and therefore I did not mention the name of the gentleman, but my point was that I narrated the incident just to illustrate the policy of the Government that they do not like to have any record that under the benign rule of the British Government in this country, the people are suffering from famine and things like that. That is the policy of the Government which I want to substantiate.

**Mr. PRESIDENT:** You must not refer to that again.

(The member here reached his time-limit and resumed his seat.)

(The Council at this stage was adjourned for 15 minutes.)

(After Adjournment.)

**Mr. K. C. RAY CHOWDHURY:** Sir, to some extent I offer my congratulation to Mr. Banerji for carrying on a propaganda from the floor of this House on behalf of the Congress, namely, to damn the police, the Government officers and everybody connected with the Government. According to him the real motive of the police is not so much political but to suppress the *swadeshi* spirit and *khaddar*. If this is so, then the Government are not benefiting Lancashire or its cloth, for most of our cloths in these days either come from Japan or from Bombay and very little from England. He said something about driving out malaria—a very laudable suggestion indeed and everyone will thank him for it. The question is the cost—at present we are spending a paltry sum of 38 lakhs reduced to 36 lakhs on Public Health —we want at least 1½ crore of rupees as the first instalment to drive malaria out and you cannot wash malaria out by the Ganges water. Let us examine our taxation figures. Land revenue yields 3¼ crores of rupees and every penny of it comes from the pockets of the *raiyats* and paid by the landlords. The next main source is Excise which yields about 1 crore 39 lakhs. Most of it is derived from country liquor, *ganja* and opium consumed by the masses, the *raiyats* and the working classes. The third big item is Stamps which yields about 295 lakhs—most of it comes from rent and other suits in which *raiyats* are involved. You cannot, therefore, augment your income from these sources and you will have to look to fresh sources according to capacity of taxpayers. I said the other day about Death Duty and Estates Duty, on fairly large estates the least objectionable of all taxes, and I can prove by facts and figures that at least 50 lakhs can be raised annually from this source. Then there is the question of raising the license fee on foreign liquor and beer. At present only annas three per bottle is charged, but the hotel-keeper sells the liquor at retail price, he makes Rs. 4 nett profit per bottle on spirits, whiskies and brandies. A rupee per bottle of 12 pegs will not hurt anybody and we expect to raise about 1½ lakhs. Maulvi Abul Kasem, wants more activity in the Agricultural Department. In my opinion the Agricultural Department, which spends 25 lakhs of rupees—it is high time that this department is abolished. Sir, the department has served its purpose in scientific agricultural propaganda and the result is large production not only here but all over the world. Hence, the necessity of curtailing the productive plan and transferring a bare portion of the money to Public Health and

Industries Department. Comrade Naresh Chandra Sen Gupta had a fling on the Finance Member because every year an extra 65 lakhs is spent for suppression of terrorism. He knows that all this money does not go to White Hall. It is spent on the Indian staff of the preventive and other branches where children of the soil are employed. He said loudly that the best brains are locked in jails—and if they are released they will help in the industrial development of the country. I know from personal experience that civil disobedience prisoners came out of jails and wanted to go again as it is difficult in these days to earn a living, and these prisoners if let out at once will mean a great increase in *bhadralog* unemployment Any way, Sir, I deprecate strongly the anti-Government propaganda carried on from the floor of this house in the name of good finance.

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I shall first deal with Mr. Ray Chowdhury's speech. I do not know what sort of speech it is. Probably, he is thinking of the future when he might be useful to the new régimé and would be able to find out means to increase the revenue of the province by fresh taxation or he might be thinking of going to the Upper House where his counsel would be of great value. However, I have no quarrel with him, and I do not desire to say anything against his views. But this much I know that it has been held by even the Simon Commission that further taxation is unthinkable. If money is to be raised by fresh taxation, it would be a good thing in the new régimé. As regards the Budget, I am glad to say that it is very disappointing in my opinion. I expected—and I believe it is an expectation not only of myself but others also expected—that a Budget would be presented not only for this year but such as would act as a guide for the future. We have often heard that Government is anxious to hand over a stable administration, well balanced in every way, to the Government under the new Reforms. That certainly is a very good idea. And we expected that in this Budget something of that sort would be done. This Government should be anxious not only to lighten the work of its successors in regard to terrorism—anyhow the terrorism should be suppressed—but the present Government should also take into consideration the fact that its successor should not be in difficulty as regards the financial situation also. Our real deficit, Sir, I maintain is not 2 crores, but is nearly over 4 crores, because there was the assurance of the Government of Lord Ronaldshay that, as soon as the jute duty would be granted to us the entire amount from the proceeds of the three taxes would be set apart for the nation-building departments. The national-building departments have been suffering, but nothing practical has been done for them. You are only anxious to maintain the Government anyhow, anyhow to meet the necessary

expenditure of Government. The income is dwindling and I believe our present income is much less than that of 1921. In 1921, by means of two taxes, we got 1½ crore and with that sum we could anyhow manage, but now even that is not sufficient. I need not go into the figures, but it is well-known that our expenditure cannot be met by our income now and for maintaining this Government the Local Government since the last few years have been getting help from the Central Government. I do not know if that was taken as a loan, knowing full well that a loan could not be repaid while there already exists a loan of more than 5 to 6 crores taken from the Central Government during the last three or four years and that has not yet been wiped away. If that is so, why a sum could not be taken as an advance from the Central Government as before and the grant from the jute duty may be set apart for the nation-building departments? We know, Sir, that nothing of importance could be done either for education or public health or for the agricultural development of this province; much is needed in these departments. If that could be done the Budget could be balanced and that would have been something even after effecting drastic retrenchments. This would be an ideal as to how Government can be carried on even in the new régimé, if expenditure on administration could be curtailed. Whatever may be done as regards the restoration of the 5 per cent. cut in accordance with the wishes of the Government of India, I do not say anything, for there would be heart-burning if this restoration was effected for the services under the Government of India but withheld for the services under the Local Governments. But, Sir, apart from this, expenditure could be curtailed in many other ways. If the ordinary expenditure could be minimised and something tangible could be done for the nation-building departments, that would have been very well; but nothing of the kind has even been attempted. Simply a budget has been prepared as before anyhow to manage the affairs of this province. There is some deficit and perhaps there is a hope that by curtailing expenditure this deficit might be made good or some little advance might be taken from the Government of India. With that hope the Budget has been prepared with a deficit of Rs. 70 lakhs. Sir, this is not a thing which we expected from the Government of His Excellency Sir John Anderson. He is a sympathetic ruler trying his best to improve the financial position of Bengal, assisted by officers who also are very able, honest and sympathetic to the needs of the people, but still that attempt has not been made and everything has been left to be done on a fine morning when the new régimé would be ushered in and when the official bloc would not be here and the whole blame would be thrown upon the people's representatives and they would find themselves in a difficult situation as to how to manage their affairs even in the matter of meeting the ordinary expenses of administration, without having been given any opportunity of even attempting to do anything substantial.

Sir, what has been done to meet the question of unemployment which is a crying question at the present moment? We have repeatedly urged that unemployment is the root of all the terrorist movements and we maintain that our real grievance lies there. It is alleged that the Hindus are disloyal; it is not so. Government employees are mostly Hindus. We know fully well that Government cannot do without the Hindus and Government place a very high value upon their loyalty, but still it is said that the Hindus are disloyal, said for what earthly purpose I do not know. The maxim of Government should be *sham, dhan, danda* and *bhed*, that is to say, merciful treatment of the people and gifts to the people, also division of opponents' party and punishment to those who deserve it. These are the four maxims, but unfortunately under the British Government only the latter two are practised, I mean *bhed* and *danda*, and *sham, dhan* is neglected, by which only a balanced Government can be maintained. In our Hindu mythology, Sir, you know full well that our ideal Mother Goddess Kali is represented with *khanga* (sword), and *munda* (head of a victim) in two hands and *bar* (boon) and *abhay* (assurance of safety) in the other two hands and that is the thing which should be done by this Government. Wherever necessary be strict by all means, but also be lenient and merciful to your people Diagnose the disease and adopt proper remedial measures, but that is the very thing which is unknown to our Government. There may be the terrorist movement and so far as the Hindu boys' connection with it is concerned, the reason is not very far to seek. The Hindus are for the most part educated while the Muhammadans are very backward in education. Educated people are in the habit of expecting some employment, and while the rank and file of this class of men are unemployed, it may be that they will try, when they are unable to get any real support from Government, and oppose the British rule in India Sir, nothing substantial has been done for removing unemployment or doing anything good to them. Some oppressions have been committed here and there by inciting one section of the people against another and some unheard-of oppressions were committed in Dacca, in Mymensingh, Midnapore, in Pabna and in other places. But only partial measures have been taken by way of remedy and nothing substantial has been done done.

(At this point the member reached the time-limit, but was allowed time to finish his speech.)

My idea, in short, is that something to relieve unemployment should be done and sufficient money should be provided for the nation-building departments. No improvement has yet been made in this respect, and I do not find fault with our Ministers for not doing that because they are suffering from want of funds and so nothing substantial could be done by them. I am sure that if money could be supplied to them,

they could surely have done something to tackle this question, because I know they are very keen and willing to do good to the people. Sir, these are our grievances and I cannot see any policy in the Budget of the Hon'ble Member. The usual Budget has been prepared showing what the income is, what the ordinary expenditure is, and what the deficit is, Sir, on such a Budget no Government can be maintained, and it cannot be an ideal for the future Government to go upon, whatever may be the nature of that future Government. With these words I bring my remarks to a close.

## Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 27th February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 27th February, 1935, at 3 p.m.

**Present:**

Mr. Deputy President (in the absence of Mr President, the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the three Hon'ble Members of the Executive Council, the Hon'ble Khwaja Sir Nazimuddin being absent, the three Hon'ble Ministers and 84 nominated and elected members

## STARRED QUESTIONS

**(to which oral answers were given).**

### Detenu Babu Monoranjan Gupta.

*35. **Dr. AMULYA RATAN GHOSE:** (*a*) Is the Hon'ble Member in charge of the Political Department aware of the fact that Babu Monoranjan Gupta, a State prisoner under Bengal Regulation III, has not recently been in correspondence with his relatives and partners in business?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons which have led this prisoner to withhold correspondence?

(*c*) Is it a fact that the said prisoner has been attacked with malaria?

**MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid):** (*a*) and (*b*) the local Government have no information on these points. They concern primarily the Government of India, to whom the questions may be addressed.

(*c*) The local Government understand that he suffered from an attack of malaria from the 8th to the 14th January, 1935, and that his present health is good.

## UNSTARRED QUESTIONS

### (answers to which were laid on the table)

### Cess demand in Khulna district.

**18. Babu SUK LAL HAC:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) when was the last cess revaluation in the Khulna district completed; and

(*ii*) when will the next revaluation be taken in hand?

(*b*) Is it the intention of Government to constitute any committee to advise the Collector as to fixing of the annual value of land?

(*c*) What is the present annual cess demand of the Khulna district?

(*d*) What was the amount of such demand in the last revaluation?

(*e*) What were the number of the cess certificate cases in the Khulna district in 1933-34?

(*f*) What were the number of such cases in 1929-30?

(*g*) Are the Government considering the desirability of reducing substantially the cess demand of the Khulna district in view of the present economic depression in the country?

**MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter):** (*a*) and (*i*) In February, 1930.

(*ii*) This has not been decided.

(*b*) No.

(*c*) The maximum demand in 1933-34 was Rs. 5,58,293.

(*d*) Before the last general revaluation it was Rs. 2,78,936.

(*e*) 3,473.

(*f*) 2,363.

(*g*) The reduced rate of 9 pies per rupee of annual value of lands was fixed for 1934-35. The rate for 1935-36 has not yet been determined.

**Babu HEM CHANDRA ROY CHOUDHURI:** With reference to (*g*), what will be the annual demand at the reduced rate of 9 pies per rupee?

**The Hon'ble Sir BROJENDRA LAL MITTER:** The reduced rate of 9 pies per rupee is three-quarters of Rs. 5,58,293.

**Maulvi ABUL QUASEM:** With reference to (*d*), are the Government aware that the District Board of Khulna has, for the year 1935-36, decided to impose road cess at the full rate of one-half anna per rupee?

**The Hon'ble Sir BROJENDRA LAL MITTER:** I have not the information at the moment, but if they have made any recommendation, I shall certainly look into that.

# GENERAL DISCUSSION OF THE BUDGET, 1935-36.

**Maulvi ABDUL KARIM:** I am not certain that any useful purpose is served by a long discussion of the Budget presented to this House by the Hon'ble the Finance Member. Perhaps it would be waste of time and energy to attempt an analytical dissection of particular items of the Budget. To criticise those in power seems to be as futile as to cry in the wilderness. Say what we may and marshal whatever facts and figures we can, they are hardly ever perturbed, possessing as they seem to do a wonderful impenetrability to all criticism. Had it not been for the fact that we owe it to our constituents to let them know what we think as to how the province is being administered, I for one would have been most reluctant to say anything at all, sparing, as I have to be, in the exercise of my lungs at my present age.

Since the iniquitous Meston Award reduced the richest province in the Indian Empire to the position of the poorest, deficit Budgets have been produced year after year, and we have cried hoarse over the top-heavy administration introduced by the Montford scheme. But what has been the result? Has the heaviness of the top been lightened in the least degree? Nothing of the kind. On the contrary, by some queer logic those who have to run the administrative machinery seem to have come to the desperate conclusion that the lightening of the bottom would make the structure secure.

The penalty for so-called self-government has of course to be paid and there can be no going back to the days of Lieutenant-Governors for which the Hon'ble the Finance Member and his hon'ble colleagues might yearn. But, might I enquire, what justification can there be for having in this province a heavier machinery than what other provinces have been managing with. For example, in Bombay when the machinery was found to be too ponderous, its size was at once cut down, and in Bihar when it was found that the financial lubrication was excessively disproportionate to what could be afforded, its quantity was forthwith reduced. It is said that this diminished the splendour

of the indigenous part in the eye of the public and made it look uglier than the other part. Metaphor apart, am I then to understand that the prestige of the late Sir Fakhruddin or Sir Ganesh Dutt was lower than that of their counterparts in Bengal. On the contrary, their sacrifice, if I have rightly gauged public opinion, immensely raised them in the estimation of the people. I wish those who are themselves concerned had not had a hand in determining their fate. The axe might then have been as unhesitatingly and unsparingly applied to them as it has been done in the case of others.

As for the restoration of the salary cuts and imposition of objectionable taxes, the less said the better. I had to say the other day something about them and occasion might shortly arise for saying more. The circumstances that necessitated these cuts still existing in an almost undiminished state and those who have to pay the taxes being in dire distress, it is beyond the comprehension of ordinary mortals why steps are to be taken to add to the comforts of the former and the miseries of the latter instead of devising means for affording necessary relief as any humane Government would have done. Does not all this demonstrate a callousness which any civilized people should be ashamed of? If the cuts had not been removed, the sum thus saved might have almost covered the amount proposed to be realised out of the new taxes. Besides, while the gap is so very wide the mere filling up of a crevice, entailing misery on the one hand and odium on the other, unmistakably indicates bankruptcy of statesmanship

How is the amount to be raised going to be utilised? Most probably in carrying on the ordinary administration and in pampering the already pampered; the nation-building departments will continue as much starved as ever. People have long been clamouring for elementary education, and in many cases they are expressing readiness even to pay the education cess. But out of pity for their miserable condition due to the prevalence of economic depression, the authorities are not inclined to have recourse to that drastic measure. The appalling illiteracy prevailing in the country is, I need hardly say, a standing discredit to its administration. In civilized countries there is hardly an illiterate man in the population. Even in Japan, which was a mere geographical expression half a century ago, illiteracy has been almost entirely banished in about a quarter of a century and at present 97 per cent. of its population are literates. But in this benighted country the percentage of literates rose from 3·5 in 1881 to 8 in 1931—a period of fifty years. At this rate it will take no less than a thousand years for the entire population to become literate. In this connection I should not omit to say that unless such an education is imparted as will make the cultivators better cultivators and the artisans more efficient artisans and will reconcile the taught to the atmosphere in

which their lot is to be cast and make them amenable to their hereditary mode of living, education had better not be given at all. For then it will only make them a burden, nay in many cases a curse, to the society in which they will have to live, move and have their being.

As regards secondary education, the system in vogue has outlived its utility. It has been quite successful in converting the intelligentsia of the country into a race of quill-drivers and in turning out mere efficient tools for the administrative machinery. But it has failed, on the whole, to produce men of light, of culture, of character, of business capacity and of initiative in different departments of human activity. If we still see amongst ourselves a Tagore or a Bose or a Mukerjee, it is not on account of our educational system, but in spite of it. Once an eminent European educationist truly remarked that the difference between schools in India and schools in England was as great as the difference between chalk and cheese. It is high time that a system of education, suited to the taste and temperament, needs and aspirations of the people, were devised without further delay. On the one hand technical and vocational education, correlated to the avenues of employment open to the people should be imparted and on the other high cultural education should be given to those who can afford it so as to produce such citizens of light and leading as may be really fit for progressive self-government. If a system of education as envisaged be put into operation, the administration will have a smooth running and a considerable portion of the huge police force and military budget, which have impoverished the exchequer, may be saved.

I am exceedingly glad that the proposal for the provincialisation of the Sakhawat Memorial Girls' School is at long last going to materialise. The establishment of such an institution, the want of which has been very keenly felt, has long been overdue. Years ago the then Education Secretary, Mr. Lindsay, assured me that steps would be taken before long and Sir Stanley Jackson told me that he would like to see the school provincialised soon. I thought the project would be taken in hand without undue delay. But what happened subsequently made me doubt if the provincialisation would ever take place in my life time. However, better late than never. I now hope to see the school placed on a sound basis before I leave the land of the living. In case of female education also a thorough overhauling of the present system is essentially necessary. Such a curriculum of studies is required as will not unsex or denationalise the females or cut them away from the family circle or domestic interests and will not lead them to ape at masculine accomplishments and usurp masculine functions, but will make them really good wives, good housewives, and good mothers.

**Rai Bahadur KESHAB CHANDRA BANERJI:** Sir, I am not disheartened to find that we are faced with a deficit Budget. There is nothing mournful in the fact that we are having a deficit Budget. A surplus State Budget (unlike a family budget) is always viewed with suspicion. My position will appear unassailable when it is considered that the Budget estimates lay emphasis on the unproductive side of the administration. That is the most serious blemish in the Budget presented by the Hon'ble Finance Member.

In this year, the Budget deficit has come down to Rs. 46 lakhs because new taxes have been imposed and one-half of the proceeds of the jute export duty has been granted by the Central Government. Otherwise, the Government maintain, the deficit would have stood at Rs. 194 lakhs.

Sir, to be frank, I must say that I am a believer in taxation. I know that no constructive work can possibly be undertaken without taxation and retrenchment of expenditure. In giving our verdict on the Budget estimates, we must naturally be governed by two factors, viz.—

(1) whether Government have adopted a policy of retrenchment without undermining efficiency, sincerely and honestly; and

(2) whether the policy of taxation has been resorted to with a view to giving impetus to nation-building works.

In the first place, we find that the policy of retrenchment has been carried out in a half-hearted and miserly fashion. The whole situation looks miserable. The recommendations of the Retrenchment Committees have not been effectively pursued. I do not mean thereby that all the recommendations of the Retrenchment Committees that we had in the course of the last decade should have been accepted *in toto;* nor do I suggest that the Government should not look to the efficiency of administration. But we remain unconvinced that the Government have pursued a policy of rigid economy in their administration. Government have merely sported with the recommendations of the Retrenchment Committees. They have accepted certain minor proposals while the major ones have been unceremoniously, and presumably without valid reasons, brushed aside.

Secondly, a Government unwilling to retrench expenditure should be equally unwilling further to tax an impoverished province. But they have proposed fresh taxation to squeeze out Rs. 24½ lakhs from the people who have been groaning under an obstinate form of economic depression during the last five years. If we were satisfied that the proceeds from the new taxes had been earmarked for nation-building

schemes, then we would have thought that there was sufficient excuse for taxing the people. We also find that the receipts from the export duty on jute have not been set apart for works of public utility.

Sir, we would not have grumbled and criticised the financial policy of Government if we could find that the deficit was due largely to the huge financial outlay in connection with nation-building schemes. But, on the other hand, we are presented with a Budget which consumes the major portion of the revenues in unproductive ventures. Sir, that is the gravamen of our charge. That is why we feel so miserable over the Budget estimates.

At a time when fresh taxes are going to be imposed and especially when the deficit could not be made up even after the grant of half the proceeds of the jute export duty, it is simply staggering to find that Government have thought fit to restore the 5 per cent. cut in the salaries of their employees. It seems that the welfare of the province may wait but the restoration of the cut in salaries cannot. It is an attitude of mind which betrays a lamentable lack of sympathy with the aspirations of the people. It is this attitude which pains us most.

Sir, the total receipts of the province for 1935-36 are estimated at Rs. 11 crores and 60 lakhs. True, it is inadequate for catering to the needs of a population of 51 millions. This huge population in an area of 82,000 square miles has been a great handicap, because more money would be necessary for effectively carrying out any welfare scheme, otherwise the per capita cost would be negligible. I do not minimise the difficulties, nor can I afford to ignore the crying needs of the province. This is why I sympathise with the Government, this is why I criticise the Budget.

Sir, the duty of a progressive Government should be to spend a substantial amount on works of public utility and not to exhaust the resources of the province in maintaining the grandeur and dignity of the State.

Measures of taxation such as have been resorted to by Government are bound to be unpopular and to create disaffection in the country. While Government blame, and blame rightly, the subversive political movements as being responsible for the drain of public money in maintaining law and order, they completely lose sight of the fact that a contented people is a great asset to the State. Is it a sound policy in the present political atmosphere of the country to bring in measures which will create more discontent in the land and pave the way for a recrudescence of mass civil disobedience which should be the concern as much of Government as of the law-abiding people to prevent.

I endorse every word of what the Hon'ble Mr. A. J. Laine, Finance Member, Assam Government, said in the Legislative Council the other

day in presenting the Budget for the year 1935-36. He admitted that it was becoming increasingly recognised that judicious public expenditure was calculated to help perhaps more than anything else in overcoming the present economic depression.

If the Bengal Government and the Bengal Legislative Council are to justify their existence at all, and if Bengal is to take her rightful place as a separate autonomous unit in the proposed Federation, she cannot afford to stand still. She must make a determined effort to reduce expenditure in the different branches of administration—expenditure which is barren and unproductive—and thereby try to balance her Budget without depending upon windfalls like the jute duty and without taking recourse to further taxation.

Fortunately for us, we have got an administrator in the person of His Excellency Sir John Anderson, a far-sighted statesman but for whose anxious solicitude for the well-being of the people, Bengal would have been denied the small mercy that has been shown to her in the shape of allocation of half the export duty on jute. His Excellency the Governor has realised that without the economic recovery of the Province, any real advance towards responsible self-government would not be possible.

Sir, if this be our financial position to-day, I shudder to think what will happen when the new Constitution will be functioning. It is admitted on all hands that the Reforms will bring in their train new commitments and additional expenditure. What will be the financial position of the province then? How will the Government balance their Budget? Taxation again? If the present methods of taxation are rigorously pursued, the Reforms are foredoomed to failure. A glance at the Joint Parliamentary Committee's Report only confirms this view.

**Mr. H. S. SUHRAWARDY:** It is with a great deal of reluctance that I rise to offer a few comments on the Budget in the hope that they will not entirely be futile. The presence of members of Government in their respective seats encourages me to say some words, as I feel certain that the speeches that we shall make will have some effect on the members of the Treasury Benches. I do not know why they have become suddenly so amiable. In any event they have offered themselves as targets for our arrows, and I think we had better try and see whether any of them will be hit.

Sir, I do not propose to comment on the figures which are enshrined in the red, blue, white and green publications which have been handed over to us; nor shall I comment on the merits of the various schemes which many of us have championed from time to time, because, after all, the Hon'ble the Finance Member has once a year to consider the

merits or demerits of the schemes which are placed before him by the various Ministers and Members and to dole out from the little pittance which he possesses. Obviously I am glad that the Jadavpur Tuberculosis Hospital has been granted a sum of Rs. 12,500; but I do believe that the Hon'ble Ministers as well as the other Members of Government will realise that that is a very small amount, and the sooner that amount is supplemented the better for us.

I will not also refer to the various schemes of retrenchment or tell the Government that it does not behove them to shelve the report, inasmuch as Government have not adopted all the recommendations put forward by the Retrenchment Committee. These matters, I am sure, will come up at the time of the detailed discussion of the Budget. If the members are wise and will concentrate on the important retrenchments and not waste the time of this Council over trivial matters, they will not allow the important matters to come under the guillotine.

Sir, I do not wish to direct the attention of the House to one aspect of the recurring deficits, and it is this: There is no doubt about this that we have taxed ourselves beyond our capacity: it is not merely of the recent taxation proposals, but the general taxation of the people. The taxes were quite unbearable even in those days when we had sufficient income and funds, but now in the present trade depression when our incomes are falling far below the decent standard of living and a general fall in the price of agricultural produce, there is no doubt about the fact that we are unable even to bear the previous burden of taxation let alone the new taxation. Now, to what purpose? We have to consider why is it that we are paying these taxes and why the people consent to pay more. It is in the hope that we shall get a substantial contribution from Government in order that we may be able to carry on a decent standard of administration. Now, in my opinion, the Hon'ble the Finance Member commits a very great—a substantial—mistake when he runs the administration at such a low standard of cost. If we really have a deficit of Rs. 50 lakhs or Rs. 60 lakhs, or even Rs. 1 crore or Rs. 2 crores, you should run the Government properly. I am not merely saying this with my tongue in my cheek, for, I think, it was the mistake that was made at the time when the Meston Inquiry Committee was sitting. The Government of Bengal had deliberately starved themselves and were carrying on the administration on a very low scale; and the Meston Committee, considering that that was the normal expenditure of Bengal, starved Bengal still further and left us with funds with which we could not meet the growing demands of administration. I want this to be made perfectly clear that, so far as the present administration of Government is concerned, it is not in consonance with the duties of a civilized Government; and inasmuch as we have failed to find sufficient funds for that purpose, it will be the duty of all persons concerned to bring it home to the Finance Committee that is about to come to India that

they should allot us funds not merely on the basis of the administration that we are carrying on—possibly, two or three crores—but that they should consider what should be the standard of our administration, and then allot us two or three crores more in order that we might be able to develop ourselves.

Now, Sir, that is a point which has not yet found favour with Government; but it is a point which I have always pressed in this Council in the many speeches which I have made, and it is that I ascribe the terrorist activities in Bengal directly to the Meston Settlement. It is not a far-fetched conclusion. It is because that we did not have sufficient funds to develop ourselves, it is because we could not devote sufficient funds to meet the pressing necessities of the province towards employment, industrial and agricultural produce, remission of taxes, remission of revenues, that the terrorist activity has assumed the proportion that it has. If Government continue in the manner in which they are going on, they will have to face a further menace in the shape of communistic activities. So far as the terrorist activities are concerned, I would ask the Hon'ble Member to consider that we are spending this year something like Rs. 62½ lakhs, say an average of Rs. 50 lakhs; and, I anticipate, we may have to spend more or less next year, *i.e.*, an average of Rs. 50 lakhs. Now, if this sum of Rs. 50 lakhs was funded, and the money that could be raised at the time, when Government had sufficient foresight, on the people and on promoting the welfare of the people, I am perfectly certain that these terrorist activities would not have got a foothold and that this sum would not have been spent on combating this menace. We realize that we have got to spend the money when we find that our officers are in jeopardy and we have got to see that their lives are saved. They are the persons who are out in the mufassal in a helpless condition in the midst of these enemies of law and order. Government should have taken the bull by the horns earlier. At the same time, if Government had taken up this matter and had been content to spend the interest on Rs. 50 lakhs and odd for the welfare of the people, it is quite possible that the terrorist activities would not have got a foothold as they have done. Government have realized one thing in the nick of time, and that is the necessity of promoting the welfare of the agricultural population. The *Krishak Samities* are growing up in large numbers throughout the province. The attitude of Government, at first, was that these were a menace to peace, law, and order. If the persons who went about trying to bring home to the landlords the necessity of remitting taxes, damages, and interests, and of taking just the ordinary rent, and if they went about trying to bring home to the *mahajans* the necessity for giving up the interest and for taking the principal only, distributing it over a number of years, there was a period when Government considered that these people were engaged in subversive activities. There was a period when Government utilized

all the forces that they possessed for the purpose of curbing what we may consider to be the very natural desire of the people to adjust their differences among themselves. It is very gratifying to find that to-day Government not only encourage *Krishak Samities* working on constitutional lines, but also such movements which may bring about a better harmony between the tenants and the debtors on the one side and the landlords and the money-lenders on the other.

Sir, it is very encouraging to find also that Government have adopted a proper economic policy. There is an Economic Board. A Development Officer has been appointed, who has certainly done very good work within the short time at his disposal. The Hon'ble Minister for Agriculture and Industries has promised to start some land mortgage banks by way of experiment. We are perfectly certain that if these banks are successful they will be opened throughout the province. There is the jute restriction scheme in which some officers have interested themselves. And I think it should reflect on the political situation. Sir, with regard to this I would like to say one or two words. But before that I wish to say that the manner in which Government have recognized the primary factor that the welfare of the agricultural population is one of their chief concerns, in the same manner it should be the duty of Government to lay down a proper considered policy for the welfare of industrial labourers and announce publicly that the welfare of labour should in the same manner form one of their chief concerns. I am perfectly certain, Sir, that the time will come when Government will have to do it. What I want is that Government should lay down their policy before they are compelled to. It is regrettable, however, that Government should have recognized the necessity for conciliating the agricultural population after such a long time, and I only wish that Government should not permit the good time to pass by before they adopt the policy with regard to labour which I have suggested. Hitherto, the general attitude of the people towards Government has been that Government have been considered always as embodying antagonism to the people. People have always thought that they could expect nothing worth while from the Government, and the Government's ideas have always been opposed to popular views. Now, the policy which Government have laid down towards the agriculturists and towards the general public has gone a very long way towards disabusing the minds of the people. As regards this policy, certain members of Government have gone out to the country and have pointed out to the people that they should restrict the cultivation of jute or take such and such measures for the purpose of promoting the general welfare. The people must realize that Government are not, as a body, adverse or antagonistic to the people and that they are ready and anxious to promote the general welfare of the people. This action on the part of some Hon'ble Ministers and Members of Council, who have gone about amongst the people with a

message of welfare and of hope, has certainly had a great deal of sound moral effect, and we hope that the Hon'ble Members and Ministers will continue their good efforts in this direction, because, quite apart from what effect it may have on the jute restriction propaganda itself, it will have a very strong moral result with regard to the co-operation between the people and the Government. Government will not be distrusted, as they have always been, and the people will realize that Government are ready to help them and that they are worth listening to and being paid some attention to. I really want, therefore, that Government should go about and win the sympathy of the people. But in order to do that Government must make it, apart from their general attitude towards the population, viz., of preserving peace and harmony, their duty to go out of their way for promoting the welfare of the people.

Now, Sir, I come to the question of a considered labour policy. I am singularly unfortunate that all the resolutions that I have ever tabled have always found a low place in the agenda. I do not understand how the resolutions of other members could come first, as I have never had that privilege. In one of the resolutions I suggested to Government that a special committee should be appointed to consider the position of labour in and around Calcutta, and suggest ways and means by which we can ameliorate their condition.

(At this stage, the member having reached the time-limit was allowed to speak for two minutes more.)

This is absolutely necessary because I see not only the growth of communism, which to me is a small factor, but I actually see that there is nobody here to look after the interests of labour. Government must come down and do it. It is its duty. Quite apart from that, if it does not do this, it will find itself faced with a position so overwhelming and so dangerous that it will not be able to cope with it. I know the conditions of labour which are at present prevailing in the jute mills, and I warn Government that unless they come down and examine the condition of labour, the time is not far distant when once more a conflagration will arise from there which will lead Government into a financial morass from which not even the Government of India can possibly save it.

**Mr. S. M. BOSE:** I must begin my remarks by saying a few words about the jute export duty. Bengal unanimously demands the whole of the proceeds of this duty without any condition. We want it as of right and not as a favour or a dole. Our case that in the special circumstances here, this is entirely a provincial source of revenue, is now practically admitted, I submit. But from 1916 to 1934—a period of 17 years—the Central Government has been wrongly appropriating to itself the whole of the proceeds from the jute duty; the total sum, calculated at an average of three and a half crores a year, will be about

sixty crores. Now, the Government of India, with an amazing assurance, calmly tells Bengal: "We have taken sixty crores of your money; we have by the unjust financial settlement, crippled your resources and have made your government very unpopular in Bengal; we have made you pile up a huge amount of debt. But now, to show our love for you, we shall grant you half the proceeds of the jute duty, if you can prove to us that you are doing best to square the circle, *i.e.*, restore financial equilibrium; but don't ask for more." But Bengal like little Oliver Twist asks for more, to the horror and dismay of India; nay Bengal says she has a right to the whole. All Bengal stands solid behind His Excellency the Governor and the Hon'ble Sir John Woodhead in their demand for the whole, and for a just share of the income-tax, and also for compensation for past injustice, by a clean sweep of all its liabilities to India

Next, as regards the restoration of cut in pay, I agree with my friend the Hon'ble Abdul Karim that the less said about it, the better. So I would only ask our Finance Member to explain, if he can, why in the face of heavy deficit, there is to be restoration of cut in pay, why people in effect are to be taxed to pay the services 17 lakhs, why he did not ask the Government of India to grant Bengal a subsidy of this sum, if Bengal has to follow the example set by India.

Then I turn to the Hon'ble Member in charge of the Judicial Department I want him kindly to explain the necessity for keeping two additional High Court Judges at an extra expense of Rs. 58,000. Last year, during our Budget discussion, the need for retrenchment in the High Court was insisted upon, and I laid stress on the report of the High Court Retrenchment Committee which has not been unfortunately followed. What is the necessity of having two extra High Court Judges? What additional progress in wiping out the arrears has been made? Popular opinion is that neither the quantity nor the quality of work in the High Court has improved, in recent times, in spite of these additional appointments which have been made for some years past. Then, I ask him to be so good as to let us know about the item of Rs. 38,000 for payment of arrears of commission to the Official Receiver. My information is that he is a wholetime salaried official.

Then I turn to the Home Member, and ask him to explain to us why there is such a heavy Police Budget. It is admitted that terrorism is on the wane. But, of course, we must be alert and vigilant. But is that any reason why there should be a very large increase in the Police estimate for 1935-36? I give a few figures. In 1931-32 the total actuals (voted and non-voted) were 2 crores, 20 lakhs, 95 thousand; in 1932-33 the actuals were 2 crores 19 lakhs 47 thousand; in 1933-34 they were 2 crores 22 lakhs 71 thousand; for this year, the total revised estimates are 2 crores 25 lakhs and 55 thousand. Next year, the

estimate is for 2 crores 29 lakhs and 93 thousand, an increase of 4 lakhs and 38 thousand over the revised estimates for this year, and an increase of 7 lakhs and 21 thousands over the actuals for 1933-34, the highest actuals up to now. What is the reason for this increase?

Turning to the Medical and Public Health Departments I am glad to find that the estimate for Medical for next year is 8 lakhs more than the actuals for 1933-34. But in Public Health, I regret to find that the estimate for 1935-36 are for Rs. 36 lakhs 28 thousand, as compared with the revised estimates for this year, Rs. 36 lakhs, 94 thousand, a fall of 66 thousand, and as compared with the actuals for 1933-34, Rs. 37 lakhs 36 thousand, there is a fall of 1 lakh and 8 thousand. But I rejoice that he has been able to secure an additional grant of Rs. 60,000 for quinine for next year. An excellent departure next year is a new grant of Rs. 12,500 to the Jadabpur Tuberculosis Hospital, a fine institution deserving our wholehearted support. Then I draw attention to the two Mental Hospitals at Kanke for which Bengal is paying a very heavy subsidy every year. I complain that for the money given by Bengal we do not get adequate control over these hospitals, and I would ask him to see that Bengal's contribution is spent largely in Bengal.

I congratulate the Hon'ble Minister for Industries for being able to secure a grant of Rs. 18,000 for the Bengal Home Industries Association and of Rs. 3,000 for the Good Companions who are indeed good companions of our cottage industries. Here is a splendid field of work in which all, irrespective of race or community, have joined hands for the promotion of these industries and for their better marketing. It is indeed a happy augury for the future that Englishmen and women are actively co-operating with us in this matter which so vitally affects the welfare of families and villages in Bengal. The band of devoted workers including Mrs. Reid, the President of the Association, Lady Benthal and Mr. T. Lamb, the energetic new Joint Secretary, along with Mr. S. C. Roy, the veteran Secretary who has kept the flag flying during very difficult times, deserve our best thanks. As one connected for many years with the Association, I am in a position to speak of the useful work that has been taken up by the Association. It is sending cottage-made goods to Selfridges in England to the value of £1,000, and it is hoped that there will be a permanent connection with Selfridges. I suggest that the grant should be utilised in taking a large flat and opening a museum to stock goods produced in the various parts of Bengal which are famous for handicrafts—the famous silks of Murshidabad, the silk-printing of Serampore, the fine cotton fabrics of Dacca, Santipur and Bankura, the bell-metal of Khagra, etc. The Hon'ble Minister will be doing a lasting service to Bengal if he will take these and other measures to revive the dead and dying industries of Bengal, which matter is surely as important as reviving the dead and dying rivers of Bengal. In this connection, I draw attention to

the Indo-Japanese Museum in Canning Street established by Japan to push the sale of Japanese goods in Bengal. Monthly expenditure on a very generous scale is being incurred for the purpose, which I estimate at not less than seven or eight thousand rupees. If Japan can spend this money in a foreign country to capture trade, I do not see why the Government of Bengal should not make adequate grant for a museum for the industries of Bengal. Then, I must say a word of praise for the Industries Department, which is energetically trying to help the young men of the *bhadralok* class to earn an independent livelihood and in this connection, the names of Mr. Weston and of Mr. Satis Mitter deserve mention.

Last but by no means the least, the Education Minister is to be thanked for being able to devote more money than before towards primary education. He has been able to secure Rs. 63,000 over the actuals of 1933-34 for grants to non-Government schools and local bodies for primary education, and Rs. 19,500 more than the amount for the purpose in the revised estimates for this year. We know the very keen interest he is taking in this vital matter and wish him every success. I would ask him to pay special attention to the promotion of women's education, which, to my mind, is more important than men's. I would further ask him to revive the award of a scholarship to women to enable one every year to get the advantage of foreign education to complete that received here. Then I ask him to find money for starting at once a girls' college hostel; it is well known that there are very few suitable hostels for girls under proper control. This is a very grave menace, and I would ask him to put into effect Mrs. P. K. Ray's scheme without any delay. There is a very large number of girl students in Calcutta and it is of the utmost importance that proper arrangements should be made for their accommodation.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

**Maulvi ABDUS SAMAD:** Mr. President, Sir, I shall not take much of the valuable time of this House. I entirely agree with Maulvi Abdul Karim, our revered and honoured colleague, that to discuss the Budget or to offer any criticism is nothing better than crying in the wilderness. Sir, the constitution has given the members of this House the privilege of discussing and criticising the Budget and by virtue of that privilege we assemble every year and criticise the Budget to our heart's content. But, Sir, up till now no useful purpose has been served by doing so. Our suggestions and opinions never carry any weight with the Government. When under the reformed Constitution the nation-building departments were placed in the hands of Indian Ministers, very high hopes were entertained. But after working the Constitution for nearly 14 years we find that our hopes have been shattered. It is not

that the Ministers are not fully competent to administer the departments placed under them, but the money placed at their disposal is so meagre and so small that they cannot do any useful work whatsoever. What is our position, Sir? After working the Constitution for the last 14 years, we do not find any improvement whatsoever in the state of things which prevailed before the introduction of the Reforms. When we ask for more money for the nation-building departments, we are told "There is no money, what can we do?"—that is what the Government say. They say that we shall have to make provision for the maintenance of law and order, for the maintenance of the top-heavy administration, for the maintenance of the reserved departments of the Government. After making provision for all these things, what is left is placed in the hands of the Ministers. These nation-building departments are practically in the position of a general residuary legatee, for after spending money on the reserved departments, if anything is left, it is then and then only that the Ministers get something. If nothing is left for them, they will get nothing at all. This attitude reminds me of a well-known story of two brothers, one a rich man and the other a poor man. The rich man was a Government servant drawing a salary of Rs. 1,000 a month, whereas the younger brother was a poor agriculturist who was not in a position to maintain his family in a proper condition. That poor man had a son who passed the Matriculation Examination from the village school, and as his father had no means of defraying the expenses of college education, the father thought that it would be better if he approached his brother and asked him to bear the expenses of his son. He approached his brother and requested him to provide his son with free board and lodging and bear his college expenses. His brother said: "Well, my brother, I am very sorry I cannot help you. You know I have to deposit Rs. 500 out of my salary every month as soon as I get my salary for that month for the future provision of my children. Out of the balance, I have to spend Rs. 200 for the education of my own son, and the balance I place in the hands of my wife for household expenditure. You know I am a high Government official, and I have to maintain my dignity and position; so I am sorry I cannot help you." The position of Government is almost exactly the same. They say we must maintain law and order and also the dignity of Government and for the maintenance of that dignity it is necessary that our officers should be paid high salaries. And as very little is left after all these things, we must be content with a small amount which they give to the nation-building departments. We see that expenditure under the head Police is increasing every year and the reason given for this increase is the existence of terrorist activities in this country, so that Government have no other alternative but to spend more and more money on that head. Now, Sir, why is it that there are such terrorist activities in this country? It is admitted that it is mainly due to unemployment and discontent and to many other grounds, but unemployment is the main ground; so

as long as unemployment will continue and the condition of the people will not improve this terrorist movement will continue to exist. Sir, the primary duty of Government is to see that the educated youths of the country get proper employment and proper scope for the development of industries. This year's Budget is a deficit Budget and to make up this deficit the Finance Member has proposed additional taxation on the poor people who, although it is admitted that they are not in a position to pay any more tax, still they have got to pay it. Sir, I have a suggestion to make to the Hon'ble Finance Member as to how to get money. We are going to get half of the jute duty, which comes up to Rs. 1,60,00,000. If half of this Rs. 1,60,00,000, namely, Rs. 80 lakhs, be capitalised at 3 per cent., it will yield about Rs. 25 to Rs. 26 crores. Now if we utilise this Rs. 26 crores for the spread and improvement of primary education, development of industries, improvement of agriculture and the resuscitation of the dead and dying rivers and for other useful work, I think the condition of the country will greatly improve and discontent, terrorism and anarchism will soon disappear from the land and the whole aspect of the country will change. Under the new Reforms scheme we find that expenditure on the administration will be more than what it is now. There will be a greatly enlarged Council, many new departments will be opened and so the cost of administration will gradually increase, to meet which fresh taxation will have to be imposed, which again will create greater and greater discontent. It is therefore desirable that the Hon'ble the Finance Member will kindly see whether my humble suggestion is worth considering. With these words I beg to conclude my remarks.

**Mr. ANANDA MOHAN PODDAR:** Mr. President, Sir, Bengal's plight of annual deficit will be apparent from the fact that her total deficit debts would be Rs. 559 1/3 lakhs by the end of 1935-36 after allowing her share of the proceeds of the jute duty. Taking the revenue account only and exclusive of the anticipated share of the jute export duty, the province is invited to face a deficit of Rs. 2, 27,33,000 during 1935-36. The share of Bengal in the proceeds of the jute duty is estimated to be Rs. 1,58,16,000 for the year and if allowance is made for it, the estimates will be still worse by a little over Rs. 69 lakhs, receipts being Rs. 11,02,33,000 and expenditure Rs. 11,71,50,000. If on the other hand, the allocation of share of the jute duty to Bengal is regarded in the nature of a windfall, the real deficit debt of Bengal should be estimated at the collosal figure of Rs. 828 2/3rd lakhs. Sir, this is in a nut-shell the financial position of Bengal, and I do not blame the Hon'ble the Finance Member for presenting a deficit Budget this year, as it has become almost customary with us to be acquainted with this doleful tale from year to year. It rather goes to the Hon'ble Finance Member's credit that his present Budget is a bit improved than the previous two or three Budgets. But, Sir, what is distressing to us is the piling

up of a recurring annual burden on our shoulders for the repayment of loans which we will have to take from the Government of India, and if our financial resources go on dwindling at the present rate and if the forces of economic and trade depression are not overcome, a more expensive scheme of administration, for which we are expectingly waiting, will prove to be a serious handicap to the province instead of a blessing. Before borrowing money which the future Government will have to repay, the Bengal Government should have shown some determination to effect all possible economies to cut down their expenditure. But the attitude of the Government of Bengal in this respect is most disappointing. The attempt at retrenchment on the recommendation of the Swan Committee has been very feeble. The main findings of the committee have been cast to the winds and the economies proposed to be effected do not amount to even a quarter of the total savings recommended by the said committee. On the other hand, the unhappy decision of the Government of India for the restoration of the salary cut in full has landed the province to an additional burden of Rs. 17 lakhs.

Sir, we cannot deny the fact that the subversive political movements are to a great extent responsible for the increased expenditure of Government, and it should be the first duty of the Government to check a movement which seeks to upset law and order and bring about a state of affairs leading to chaos and anarchy in the land. But, Sir, the records of the Secretariat, as revealed on a question of my friend Mr. Hanuman Prosad Poddar, the other day, show that the number of terrorist crimes are consistently diminishing. Only recently His Excellency Sir John Anderson also referred to the large drop in terrorist crimes. The drop has not been spasmodic but consistent throughout the last three years, thus pointing to a definite improvement in the situation. One should, in the circumstances, naturally expect that the expenditure on terrorism should decline or at any rate should not increase. In fact, however the terrorist expenditure has been increased every year by substantial amounts, the year 1935-36 not being excepted.

We know the maintenance of law and order is the primary concern of the Government, but who can deny that the expansion of nation-building activities is not of as much concern, if not more, to a benign Government? We have been told very pertinently that law and order must be maintained, no matter what the cost; but have we ever been told with the same emphasis that the nation-building activities must be pursued, no matter what the cost, either by begging or by borrowing. With a huge deficit to square, the Government of Bengal actually propose to budget for an increased expenditure which is in fact higher than in any year since 1930-31. This is not because the Government is going in for a large expenditure on nation-building departments, but exclusive of the increased expenditure from the Central Road Development Fund and the provincial taxes on motor vehicles, out of a total

increased expenditure of Rs. 47,69,000 only about Rs. 2,00,000 may be regarded to have been incurred for the improvement of the national services; and this in spite of the fact that people of the province are asked to bear an additional burden of taxation to the tune of Rs. 24½ lakhs. As against this we have the following few items of increased expenditure: restoration of salary cut in full, Rs. 17 lakhs; increased expenditure on account of the terrorist movement, Rs. 5 lakhs; increase in the provision for superannuation allowances and pensions in India and England, Rs. 4 lakhs; appointment of two Additional Judges of the High Court and their staff Rs. 58,000; reorganisation of the Bengal Civil (Judicial) Service, Rs. 40,000, and so on. There is on the other hand no increased provision for better medical aid (except a provision of Rs. 12,000 for Jadavpur Sanatorium), working of the unemployment scheme of the Department of Industries. Only Rs. 5,000 has been set apart for financing the State Aid to Industries Act. There can be no justification for a deficit Budget if the nation-building departments are starved for the sake of law and order and for the sake of maintaining a top-heavy administration.

Sir, it is a matter for sincere congratulation that His Excellency Sir John Anderson and the Hon'ble Sir John Woodhead have been able to secure for Bengal one-half of the jute export duty from the Government of India. This is due, in no small measure, to the untiring zeal and singleminded attention of His Excellency for the betterment of the condition of Bengal and it goes to his great credit that a long standing injustice has been partially removed during his administration mainly through his strong personality. The people of Bengal would be grateful and would congratulate Sir John's administration more heartily, if the Government would spend less on salaries of superior services and if they would embark on a bold and comprehensive programme for extension of primary education and medical relief, for water-supply in villages and other schemes for rural uplift, for the improvement of agriculture and the encouragement of indigenous industries.

Sir, the Hon'ble the Finance Member complains that unremunerative prices received by the cultivators for their produce is the main cause of the dwindling of revenue receipts. It is not only for the recovery of the revenue receipts but also for the amelioration of the condition of cultivators that a planned recovery programme should be adopted. The cultivators of Bengal are men living a life of chronic starvation and of the most abject ignorance, grim and silent in suffering, without any zest in life, without comfort or enjoyment, without hope or ambition, living because they were born into the world and dying because life could no longer be kept in the body.

Sir, is it not the duty of the Government to initiate a policy that may tend to ameliorate the condition of the people who have been placed under their care by Providence? The economic regeneration of a

country is not the subject of a patch-work; it requires a well-planned comprehensive programme, and our Government have so long neglected this national aspect. The vital question to-day is to raise the purchasing power of the cultivators and, in order to bring about the desired end, the formula of rural economy, namely, better farming, better living and better marketing, should be adopted. And we appeal to His Excellency Sir John Anderson to pilot his administrative wheel with more straightforwardness and more imagination on these lines.

(At this stage, the Chair was taken by Mr. Deputy President.)

**Khan Bahadur A. F. M. ABDUR-RAHMAN:** Mr. Deputy President, Sir, at the outset I congratulate the Hon'ble Finance Member for his being able to induce the Central Government to undo the injustice done to our province by the inequitable financial settlement of the Meston Award. He has been able to secure from the Central Government 1 crore and 11½ lakhs of rupees and he expects to get Rs. 158 lakhs next year. This will no doubt stabilise the financial position of Bengal to a great extent.

Sir, as an humble member of this Council, I am not much concerned with the bigger and higher problems of the province. But I think, Sir, it is my duty to examine how far the people of my district to whom I have the honour and privilege to represent are benefited. So far as I see in this year's Budget there is no provision whatsoever for the improvement of our district.

Sir, year before last Nawab Bahadur Sir Abdul Kerim Ghuznavi, taking pity on the poor people living on the side of the New Cut Canal in my district, personally visited the area and induced Government to spend a certain amount—if I remember aright it is something like a lakh of rupees—for its re-excavation, and I do not know how much money has so far been spent. But the people of the locality have practically received no relief as yet.

Sir, I am glad to find that Rs. 12,500 has been provided for the Tuberculosis Hospital at Jadavpur. But this grant, I should say, is just like a drop in the ocean. I do not know whether Government is aware about the daily increase in the number of tuberculosis patients and specially amongst our females.

Sir, I am glad to find that the Hon'ble Finance Member has been pleased to show small mercy here and there in our nation-building departments, and I am specially thankful to Government for provincialisation of Sakhawat Memorial High School for the Moslem girls.

Sir, a true picture of the rural population of Bengal has been drawn by several speakers of this House yesterday, and it has been very lucidly spoken and beautifully drawn by my friend Maulvi Abul Quasem. When we really think of them and their position we don't think we can have any justification whatsoever for the maintenance of this costly machinery of administration.

Sir, in order to wipe out a portion of our deficit we are just going to pass five new Taxation Bills. I cannot understand how the Hon'ble Finance Member can reconcile between the two things. We are passing the new taxation measure which is intended to impress upon the Central Government that in spite of our best effort we have not been able to balance our Budget and, therefore, induce the Central Government to set free the jute tax which is our legitimate claim and also to receive a substantial portion of income-tax and simultaneously to restore the 5 per cent. salary cut when there is deficit even after new taxation. Whatever argument one tries to put forward before us it must be admitted that only the Government servants are better off in these days.

Sir, my humble suggestion is that whatever money we may get from the new taxation it should be spent to rehabilitate the economic condition of the rural people of Bengal and also to improve their health.

Sir, Rs. 60,000 has been provided for additional quinine grant. But in comparison to the requirements the grant is absolutely inadequate. We at least need five times the amount allotted to this year's Budget.

Sir, only five land mortgage banks have so far been started in Bengal. But I cannot understand how these five banks are going to tackle the problem of indebtedness of the entire people of the province. There should be at least one land mortgage bank in each district.

Sir, people of the province are extremely anxious that free primary education should be introduced immediately throughout the province. What steps are we going to take for that?

Sir, there is no doubt that the primary duty of Government is to maintain law and order and to put a stop to anarchism. But at the same time it is also the duty of the Government to see how the people of the province would live. The bulk of our population live on agriculture and our Hon'ble Finance Member in his Budget speech has admitted that though there is a little rise in the price of our agricultural commodities, they are still at a low level. The number of unemployed educated young men is daily increasing. Discontentment and despair are prevailing everywhere in the country.

Sir, it is not that our Government is absolutely unsympathetic towards the people of our province. I know, Sir, that His Excellency the Governor is very anxious and keen for the rural development and our Ministers are also not unmindful or unsympathetic. But, Sir, the position is like this—children do not care how fathers secure food for them; either by begging, borrowing or stealing; they need food. So is the position with us. We need relief from the hands of Government.

**Mr. SARAT CHANDRA MITTRA:** Sir, I am at a loss whether to congratulate or pity the Finance Member. He has repeated the same sorrowful story as he has been doing for the last few years. But the redeeming feature in the previous years was that he hesitated to

impose fresh taxes. What was the reason for this hesitation? The Finance Member was fully convinced that the people were already taxed to their utmost limit, that the people from the highest to the lowest were fighting the economic battle with their backs against the wall. The economic condition of the people to-day is the same as it was a year ago, and the Finance Member knows it better than many of us. It is a pity that in spite of this fact he has come forward with measures of taxation at a time when remission of taxes ought to have been the order of the day. I am sure his hands have been forced, and he has acted against his convictions. The bogey of refusal of a share of the jute duty does not stand the test of scrutiny. He has been coerced to act against his convictions by our masters at Delhi. The reason of this coercion is not far to seek. Bengal has been further taxed to meet the liability of restoration of salary cut. He has penalised all Bengal for the purpose of putting more money into the pockets of the All-India and Provincial Services in Bengal. Sir, why is this solicitude for the services which have been the least affected by the acute economic distress? In any other country any attempt to restore salary cuts at the expense of the people would have surely turned the Government out of office. But here in this unfortunate country of ours the interests of the administrators take precedence over the interests of the administered. In this country the resources of the State are mainly applied for carrying on the administration. The major portion of the peoples' money is earmarked for the maintenance of law and order and general administration, leaving a paltry sum for the betterment of the conditions of the taxed. Taxes like these which do not give in return anything in the way of better health and greater wealth are irksome and sit heavily on the taxed. Malaria and other epidemics may play havoc. Dead and dying rivers may adversely affect health and trade. People may go about half-fed and ill-clad. Poverty and pestilence may stalk at our doors. But money and more money must be found for carrying on the administration, though the people may be groaning under the costliest administration in the world. This has been the policy of the Government since the establishment of the British rule and Sir John has nobly maintained the traditions of that policy. Sir, I can assure the Finance Member that the group to which I belong consistently opposed the introduction of the recent measures of taxation not for the sake of mere opposition, but because it thought and did it rightly that taxes the proceeds of which are not utilised for bettering the conditions of the taxed are irksome and are a burden. The group will also in future strenuously oppose all measures of unproductive taxation. But at the same time I can assure Sir John on behalf of my group that we will give our unstinted support to measures of productive taxation; taxes, the proceeds of which are mainly and solely utilised for bettering the condition of the taxed.

In conclusion, I beg to say that I am sure Sir John is keenly feeling the delicacy of his position, and he is also conscious of the fact that he has been forced to act against his convictions that Bengal is already overtaxed and that there were no reasons whatsoever for the imposition of any further unproductive taxes.

**Khan Bahadur Maulvi EMADUDDIN AHMED:** Sir, I am not going to inflict a very long speech on this House at the fag end of the debate; I shall only touch very briefly upon some items in the Budget.

First of all, I must congratulate the Hon'ble the Finance Member for the grant which he has been pleased to make to the Sakhawat Memorial Girls' School, which has made it possible to be provincialized; it is the only Muslim Girls' School which has been provincialized. Then, Sir, I must thank him for the grant made to the hostel for Muslims at Krishnagar. I heartily thank him for the sum of Rs. 60,000 which he has provided for in the Budget for the free distribution of quinine in the rural areas. Everyone knows how terribly the people are suffering from the onslaught of malaria. While it is all for the good that the district boards get quinine for free distribution, one regrets to find that the municipalities do not. Might I request the Hon'ble Minister in charge of the Local Self-Government Department as well as the Hon'ble Member in charge of the Revenue Department to see to it that the municipalities are brought within the orbit of free distribution?

As regards agriculture, I have heard some of my friends say that the Agriculture Department should be closed down inasmuch as they are not of any utility. One should expect such remarks to emanate from persons living in the big towns but not from those who are in close and intimate touch with the villagers day in and day out. For example, the growing of sugarcane has made enormous strides in recent years; Napier grass is gradually being introduced into the remotest villages, because the villagers have derived immense benefit from it; and the process of filtration is growing apace. Then comes the question of restricting the jute crop. In this direction, also much has been done; but still much remains to be done. We have still to educate the cultivators in this matter, suggesting by way of compensation some other crop such as, tobacco, groundnut, etc. In my opinion the propaganda should be made by the union boards, whose members can do a lot of useful work by going about their respective unions and telling the cultivators what crops to raise and what crops should be discarded. In order to make the union boards take up this missionary work, some rewards, say, in the form of certificates for meritorious and good work, may be provided for; otherwise, there is little chance of your making much headway in this direction. Propaganda—and intensive propaganda at that—is imperative. If you, by

way of example, advise the cultivators not to raise a particular crop, they will ignore your advice—so deep-rooted is the suspicion of the advice tendered by Government; hence, the need of carefully-planned propaganda. As I have already mentioned that though much has been done, there is no denying the fact that much remains to be done and that only the fringe of this vast problem has been touched. I repeat again that to my mind the union board—with its president and members—is the most suitable agency for implementing the scheme.

Now, Sir, I come to another point. Only the other day I was really surprised to see the pamphlet with the caption "Grow more sugarcane." There is already an abundance of sugarcane in the country; and if you advise the cultivators to grow more sugarcane, a glut may result and sugarcane may go the same way as jute, unless properly-equipped and up-to-date factories are started at suitable places to deal with the produce and manufacture of sugar therefrom. I warn you, Sir, that if sugarcane is grown indiscriminately without modern factories to handle them, then it will meet with the same fate as jute.

Sir, some of my friends here have spoken at length on the police and the terrorist movement. They have ascribed the latter to the acute unemployment and distress which are prevalent in the country. Unemployment may be one of the factors, but there is not the slightest doubt that persons with brains are behind the terrorist movement. Many of us know of many cases, where political crimes are being engineered by rich persons from behind the screens: it is the poor, unsophisticated, young men who are gradually but surely being drawn into the whirlpool of political crime.

Turning to education, Sir, I would request the Hon'ble Minister, who is fortunately here to listen to us, to see to it that candidates for professorships and lecturerships get some teaching experience in the various colleges before they are allowed to occupy any post of professor or lecturer. Without some sort of previous experience in teaching, these men cannot properly discharge their duties. Further, such experience is nowadays, in almost all cases, insisted upon by the appointing authorities. This want of teaching experience tells very hardly on the Muslim candidates; and I would once again request the Hon'ble Minister to have some provision and arrangement made, especially for the Muslim candidates, who, within my experience, have failed to secure posts on account of their being without any teaching experience. Some sort of provision should be made in Government colleges; it should be extended to other colleges also.

Sir, it is proposed to thoroughly overhaul the curriculum for the Madrassas: it is suggested that the curriculum should be made more secular. This is a move in the right direction, as it will mean a general levelling-up of the standard of teaching now imparted in these

Madrassas and will generally be for the benefit of the students who go there, inasmuch as they will be equipped with better and greater knowledge when they leave these institutions.

There is only one point to which I should like to advert before I finish. It is this: the terrorist movement must be suppressed by all means and, if necessary, with all the force at the command of Government. This movement is eating into the vitals of the social and economic structure of this province, and has besmeared the fair name of Bengal. It is a matter of pleasure to all of us that Government are quite alive to the danger. When the Budget estimate for the Police and for suppressing the subversive movement comes up for discussion and voting, I for one will whole-heartedly support Government in their efforts to suppress the cult of terrorism. Once it is thoroughly crushed, I have not the least doubt that the expenditure under these heads will come down and thus be instrumental in bringing down expenditure to the relief of the tax-payers. This is a point which the Hon'ble Member in charge of the Political Department will carefully examine, and I am confident that he will do so.

Sir, I do not wish to detain the House any longer. With these few observations, Sir, I should like to finish my speech.

**Mr. P. H. GUHA:** Mr President, Sir, "Dull" and "Criminal waste of time," these are the remarks I have been hearing in the lobby with regard to the discussion of the Budget during these two days. Yet I am unable to resist the temptation of speaking a few words and that for the reason that in all probability I will not have any more opportunity in my life to speak on a Budget of any Government. Sir, I shall not be long and I will confine my remarks on one or two subjects that have been uppermost in my mind during the past two days.

Sir, I do not know if the members of a Government have any moral obligation, at least to give some consideration to the opinion of the public. Legal obligation they have none I know, but they would have by this time thought it their duty to curtail the expenses of the Hill Exodus if they had any moral obligation This is a question on which there had never been any difference of opinion between the Europeans and Indians and the Hindus and Mussalmans. All have condemned the practice and so much has been written and spoken against it that it is difficult for one to find anything new to speak or write either for or against it. The whole country is sore over it, and that soreness has been increased a thousandfold for the reason that money is being lavishly spent for the comfort and convenience of the members of the Government at a time when the province is to all intents and purposes verging on bankruptcy. Burden of taxation is being heaped on the head of the poor taxpayer and the money realised is being spent to satisfy the luxurious whims of a few. Sir, the situation is so provoking that one finds it difficult to speak with restraint. Retrenchment committees

one after another recommended the abandonment of the Hill Exodus and the whole country has been expressing itself against it for over half a century, yet it is going on. Sir, in passing I may remark that even all the members of the Government itself do not like the excursion and some of them detest it. Here I may be pardoned for referring to a melancholy event. I know that a member of the Government of Bengal had to sacrifice his life on account of the Hill Exodus. The climate of Darjeeling never suited him and from it he imbibed a disease which the medical men in Calcutta found it impossible to cure. I take the entire responsibility on myself, and I am ready to prove from the medical opinion that the compulsory trips to Darjeeling every year aggravated his illness and he had to pass away at an early age. Even this unforgettable, melancholy event has not been able to bring any change in the policy of Hill Exodus.

Sir, I now want to refer to the much-talked-of "terrorism." Here, again, so much has been spoken and written about terrorism that one finds it difficult to add anything new to them. Sir, we all know what the menace of terrorism is costing the Government, and we know how perplexed the responsible officers of the Government are over it. But there is another side of the shield which has not yet been looked at with sufficient care by many, and that is the state of affairs in the Hindu community of Eastern Bengal. Sir, I am an East Bengal Hindu and my heart breaks to tell the House that the menace of terrorism has brought untold miseries on the Hindus living in my side of the country. Their society has become disorganised, their domestic life has become miserable and they are being constantly driven from posts to pillars. Young hopefuls of the Hindu parents of East Bengal are either under detention or being shadowed by the police. Hindu houses are being searched off and on and all sorts of indignities are being heaped on the Hindus of East Bengal. Joys of their domestic life have practically disappeared and the whole community is living in a state of uncertainty. No one knows when he will see the police at his door and no father can send his son to receive education with an easy heart. The Government has been doing its utmost to cope with the situation, and I agree in thinking with the Home Member that the alertness and unceasing activities of the police have to a great extent succeeded in suppressing the evil of terrorism. We feel grateful for it, but may I be permitted to ask the Government if it is doing anything tangible to uproot the menace of terrorism? Everyone knows that there is a great deal of difference between the suppression of an evil and uprooting it. You may either by force or by adopting any other means suppress an evil, but can you be sure that it will not raise its head again unless you uproot it? Sir, I hope to be pardoned when I say that the joy of the Government and the people in seeing the menace of terrorism suppressed for the time being is bound to prove illusory in the long run if the menace is not uprooted. The land must be cleared of the very

root of the evil. Sir, I claim indulgence when I say that I am an old man and I have had ample opportunities during the last forty years to see the growth and development of terrorism as also the efforts of the Government to cope with them. I have seen how it came into existence in the early nineties and how slowly but surely it grew. I had opportunities of mixing with people who were punished as ring-leaders of the terrorists, and I have carefully studied the literature published by some of them. Lastly, I have carefully watched during these long years the method of the work of the Government and their ways to deal with terrorism. I admit that the Government has adopted and is now adopting a full, vigorous and complete course of the punitive measure to hit the menace of terrorism hard, but I hope to be pardoned when I declare that the Government has so far done nothing to introduce effective preventive measures. The Government has shown and is now showing commendable quickness in arresting and imprisoning young men suspected of having connection with the cult of terrorism, but has it done anything to train the younger generation in such a way as to make it impossible for them to have any leaning towards terrorism? I am afraid not. In other words, the Government has been prompt in punishing sinners but has not done much to train the younger generation to hate sin. A lot of missionary work is necessary in this direction, and I submit that it is time for the Government to divert its attention in that direction. Sir John Woodhead, while acting for the Governor of Bengal, said at the St. Andrew's Dinner that the public opinion in Bengal has taken a turn and the people have now realised the evil effect of the cult of terrorism. This is quite correct, and as one connected with journalism for long as also as one who had to do some work in connection with the anti-terrorism conference held in Calcutta before the last Puja holidays, I know that the tide has turned and so this is the most opportune moment to undertake missionary work. It is not for me to make any suggestion regarding the nature of the work to be undertaken, but what I submit is that work should begin at once. Sir, I shall in passing refer to the publicity work of the Government which is being done to educate public opinion. The Publicity Department came into eixstence in 1906 or 1907, and I had opportunities to mix with Mr. K. C. De, Mr. J. N. Roy and several others who were in charge of the department. As a journalist who has devoted his entire life in the publicity work, I can assert without the fear of any contradiction that the publicity work of the Government has never been done in the right spirit. A few pamphlets written by hired writers cannot appeal much to those young men who have a leaning towards terrorism. There are other ways of doing so, and I hope the Government will pay proper attention to the real work of publicity.

Sir, I shall finish with departments under the control of the Home Member by drawing his attention to one more matter, and that is the

practice of appointing almost time-barred men to the position of District Magistrate. The Indianisation of the service is our watchword, and we certainly advocate the appointment of suitable Indians as District Magistrates, but the practice of appointing Deputy Magistrates as District Magistrates just before their retirement is very undesirable. These men are given charges of the district when they have lost all powers of initiative. That is deplorable. One such District Magistrate in Orissa told me "মশাই, আর ৬ মাস, তারপর শেষ" "Sir, six months more and then I am finished." That is the position, and I would urge the Government of Bengal not to do that. (Mr. REID: "We do not do that.") A man matured in age may do very well as a District Judge or on the High Court Bench, but the duties of a District Magistrate require a man with more energy and more initiative.

Sir, I would like to speak something about the Irrigation Department, but as the Hon'ble Member in charge of it is not present in the House, I refrain from doing so and turn my attention to the department in charge of the juniormost Member of the Government, I mean the Education Minister. Sir, I have on various occasions drawn the attention of the House to the most deplorable condition of the secondary education in Bengal. We have been hearing for a long time that the Government were going to do something to end the dual control that is being exercised over the high schools in Bengal. I have, on various occasions, pointed out to the Hon'ble Minister the mischief that was being caused on account of such dual control. It is a fact that directions of the Education Department of the Government of Bengal and the University of Calcutta are often quite contrary and the poor head masters of the high schools are thus between the devil and the deep sea. I earnestly request my friend Mr. Azizul Haque to end this anomaly—if he can. There is another matter which directly concerns the Education Minister and perhaps indirectly the Home Member. This is the recent hobby of some busybodies—I do not know who they are and to which department of the Government they belong to—to bring the high schools under the direct control of the executive authorities of the districts. As one interested in a high school, I had opportunities of going into the matter, and I found that the Inspector of Schools in the Dacca Division was keen on starting an organisation to be called "Inter-School Association." Several schools located in an area are to be affiliated to this Association, and the internal administration of each affiliated school is to be controlled by the Association which in its turn is to be controlled either by the District Magistrate or by the Subdivisional Officer. The tendency seems to be prominent that the District Magistrate must be presiding deity of every organisation—political, social and educational—in short, everything conceivable under the sun. The move for starting Inter-School Associations under the control of the executive authorities of the district has very naturally induced

the belief that it has been conceived with the sole object of crushing the political ideas of the younger generation. I hope the Education Minister will realise the evil effect of such a move at the present juncture.

Sir, I will finish my observations by referring to the policy of the Road Board. They are going on vigorously and are planning to cover the country by a network of roads, but I would beg of the Board to pause and realise that there are places in the province where the irrigation work is more necessary than the work of road-making. It was perhaps for this reason that the late Sir Surendra Nath Banerjea used to complain that "Irrigation" was not a transferred subject. He used to say: "I am in charge of Local Self-Government. I know that certain areas require irrigation work—*khals* should be excavated or rivers should be dredged, but the Irrigation Member will not hear me." The present Minister in charge of Local Self-Government must have felt the same difficulty. There are districts in Bengal where roads are not so much a necessity as the *khals* and rivers, and the district of Barisal to which I have the honour to belong is one of them. We have not got a single inch of railway line in our district and the transportation facilities are not and cannot be provided in our district by road on account of the existence of innumerable waterways which divide one from another, but these waterways are being silted up with alarming rapidity. The small *khals* and rivers in my district become practically dry during the winter season, and one has to cover a long and zig-zag journey in going from one village to another. I am to travel in a country boat for over a day and night to go to my village home from Barisal and the distance is only 14 miles.

**The Hon'ble Sir BROJENDRA LAL MITTER:** You can fly. (Laughter.)

**Mr. P. N. GUHA:** Yes, I could, and I would be delighted to do so, if I had the money of my friend the Hon'ble Revenue Member. Anyway, I have finished, Sir, but before I resume my seat I would once again urge the Education Minister to take up the reorganisation of the system of secondary education in right earnest. Secondary education conducted in a healthy way will bring a momentous change in society and the country. The Home Member will admit that terrorists are recruited mostly from the high schools, and so both the Government and the public should seriously think of such a healthy system of education in the schools as may make it quite impossible for designing men to find their recruits in those schools. Lastly, I would appeal to Mr. Reid to inaugurate some missionary work at once for the purpose of uprooting terrorism from the soil of Bengal.

**Mr. HASHEM ALI KHAN:** Sir, as a junior member of this House, ignorant of the formalities and etiquette, I take this opportunity of thanking the Hon'ble Sir John Woodhead for placing the Budget for

1935-36 before this House for general discussion. Sir John Woodhead certainly deserves thanks of this House for having made serious attempts in these times of acute economic distress for balancing up the Budget, but despite all his efforts we are still not on sure ground, as there is still a deficit of 69 lakhs to face.

Sir, as one of the babes and sucklings of yesterday in this House not quite conversant with the intricacies of discussions, I would not like very much to tread upon a ground which can be so successfully covered by wiser heads and riper brains. I would only touch very briefly on some points that directly affect the poor masses of Bengal.

It is really a cruel mockery of fate that new taxation Bills have been introduced in the Council simultaneously with the restoration of cut. There was no clamour, no discontent amongst the highly paid Government officials when the cut was introduced, nor did it affect them at all. Yet these favoured children of the Government are blessed with further boons, while the poor and already overtaxed people of Bengal who are mostly over head and ears in debt, are saddled with additional burden of taxation, and that at a time when they are passing through the acutest economic distress. Generous as the Hon'ble Finance Member is towards the poor people, he has not exempted the tobacco even, which is not a luxury, to the poor people, but a necessity, and is their only solace during the hours of hard toil in the rains and in the sun with empty stomachs. The cry of these unfortunate millions might reach the footstools of the Almighty, but not certainly the Government under whose charge they have been placed by destiny.

The unfortunate masses who do not get two meals a day for several months of the year, clothe themselves in rags and tattered clothes, groan under the burden of taxations, yet the Government goes on maintaining the costliest administration in the whole world. I do not see any reason why the cost of administration would go up year in and year out, and the poor people whose tax-paying capacity has already been exhausted, would be made to make up the deficits.

The grounds for new taxation, as urged by the Finance Member with sufficient emphasis, are hardly convincing. It has been pointed out by the Hon'ble Finance Member that if the Bengal Government and the legislature fail to prove that they have done what they could do in raising taxes, they would not get anything out of the jute duty from the Central Government. The ways of Government are mysterious. You increase the cost of administration, and in order to balance the Budget we have to impose new taxes, irrespective of any consideration as to the tax-paying capacity of the people. We claim this jute duty as of right and not as a favour, and the Central Government cannot refuse our legitimate and rightful claim if the Bengal Government would seriously and persistently demand for it.

Sir, Agriculture, Industry, Sanitation and Education are now transferred subjects placed in charge of popular Ministers responsible to the people, but what is the sum total of our activities so far in these departments compared with those of other civilised nations in the world. What is the percentage of literacy in Bengal after 150 years of British rule? What improved scientific methods of irrigation, manuring, etc., have been introduced for the argicultural improvement in the province? The existence of only one agricultural officer at the headquarters of each district is hardly felt by the people. A veterinary assistant surgeon placed in charge of each subdivision can hardly cope with cattle epidemic which is prevalent throughout the year, adding to the miseries of the poor cultivators. Industries and sanitation tell the same mournful tales. Yet it is constantly dinned into our ears that our popular Ministers have full control over these subjects. The Primary Education Bill, after rotting for many years in the archives of the Secretariat, saw the light of day one fine morning and was passed and yet no effect has been given to it for want of funds, though it is a dire necessity of the people. The nation-building departments have received nothing but step-motherly attention. The Department of Law and Order eats up the major portion of the revenue. Money is lavishly and most ungrudgingly spent for the maintenance of the Police including the Intelligence Branch and Criminal Investigation Department for the prevention and detection of crimes, but no money is available for uprooting the cause for the commission of crimes, I mean for removing the distress and want of the people and for the spread of education amongst the masses. What little money is allocated for Education is almost taken up by higher education and the highly paid inspecting staff, and very little remains to improve the status, pay and prospects of the teachers of primary schools. Foundation is thus not well laid.

Sir, in the Budget an additional amount of about 6 lakhs more than that of the present year has been provided for combating terrorism. We have absolutely no sympathy with the cult of the bombs and the pistols and other subversive activities of the anarchists. We have condemned them in no uncertain terms, but have the Government gone deep into the matter and traced out the causes that have led on to this ugly state of things in the province? Have they succeeded in uprooting the evil? If not, who is to blame for that? We do not grudge the money spent for the purpose, but it should not be spent lavishly, but cautiously.

Thanks to the agility and power of supervision of the Intelligence Department, they could not detect and discover anything about the preparations going on at Chittagong for months together before the actual raid on the Chittagong Armoury took place and a huge amount was spent for arresting the culprits after the occurrence. So also is

the case of the most unfortunate events that took place in the Secretariat Building and at Midnapore and other places. Yet we have to maintain this efficient system and to impose new taxes to meet the recurring deficit in the cost of administration every year.

The whole situation could be saved, the Budget for every year could be balanced and the surplus revenue could be obtained for the nation-building departments if Government and the Legislature would view the whole question from the point of view of the people who are to pay the taxes without in the least affecting the efficiency of the administration. Efficiency of administration was not certainly impaired when the cost of administration was much less 25 years ago. Even now the Sub-Deputy Magistrates, men who are of equal qualification and are always entrusted with equally onerous and responsible duties as Deputy Magistrates, do not prove less efficient for the lesser pay they draw. If you would touch the pockets of highly paid officials it will not touch their vital necessities of life; it would simply touch their luxuries and very slightly affect their bank accounts, but it means a good deal for the poor unfortunate millions that knock about the streets for a morsel and toil on from day in and day out.

Sir, the Retrenchment Committee's recommendations could not touch the fringes of the highly paid officials, but the Government was very generous in abolishing the posts of some petty clerks and process-serving peons, as if it feels shy in looking upwards.

Sir, we have played with the masses so long, used them as pawns in the political chess-board, have exploited them for our own purposes. It is time now to cry halt and mend the state of affairs. We should subordinate all personal considerations and the considerations of the Government and the officials to the supreme necessity of the people and their welfare.

Sir, in all seriousness I would like to suggest to the Hon'ble Finance Member to withdraw the Bills for new taxation and to introduce a Bill imposing a tax of 10 per cent. upon the salary of officers drawing more than Rs. 200 per month. This would make up the deficit, and he would receive blessings from heaven as well as from the heart of hearts of the millions of half-starving people of the province.

**Babu HEM CHANDRA ROY CHOUDHURI:** Sir, I would take this opportunity to tell the Government and the House that the general financial policy of the Government could neither satisfy the mass nor any section of the poeple excepting a few Government officials. The policy followed by the Hon'ble Finance Member is, really speaking, lacking in foresight and courage required for tackling the problem. The simplest ways for meeting deficiency are retrenchment or fresh taxation, or both. The Hon'ble Finance Member has tried the last, though with little success, as the curtailment of expenditure made by

the Hon'ble Member is in our opinion neither sufficient nor in the right direction. But at the same time we must admit that scope of retrenchment is not unlimited. It was explained to this House by His Excellency the Governor: "Had the recent financial history of the province been different, economy would have presented fewer difficulties," which has not been left untried by the Hon'ble Member, in spite of the fact that it has not made his task easier. No patchwork may really be of any use. Taxation is not always unwelcome; it is rather welcome when it is utilised to improve the resources and the paying capacity of the people. But the question of questions is—How is it to be done? Where the expenditure per head is only two and a half rupees, the scope for retrenchment must naturally be limited.

Then fresh taxation, a contingency unthinkable in our present deplorable financial and economic condition. How is this to be done? Tinkering won't help us. I propose that half the sum allotted from the jute export duty be capitalised for the purpose of making primary education free and compulsory, for the establishment of technical and technological institutions, for undertaking schemes of social service, for improving the health of the province, for carrying out schemes of irrigation and of resuscitating the dying waterways that intersect the province and for establishing new and improving the dying and reviving the dead industries.

Again and again has it been admitted by the head of the administration that the vast majority of our people eke out a penurious existence groaning under a load of debt. Is it possible for them to bear fresh burden when they do not find enough money to live human lives? Is it possible to expect them to improve their standard of living till the existing condition is not radically changed?

So if the scope of retrenchment is limited, the possibility of imposing fresh taxation without inflicting suffering on the masses is non-existent; the only way out of this difficulty is to improve the economic status of the people so as to enable them to bear fresh burdens. This is possible only by allotting large sums of money initially to bring about the desired change. How is this money to be found? The course left open is easy to discern. Half of the proceeds of the jute export duty has been promised us. Let us claim the whole of it with such persistence as would defy denying. It belongs to us and the injustice that has been done us by the Central Government in this respect must not be tolerated. Let us capitalise, as has been suggested by Maulvi Abdus Samad, half the sum we receive from this source for the purpose of development. To have a Development Commissioner before funds can be secured for his work is to put the cart before the horse. He cannot be expected to work miracles from his office room in the Secretariat. Development is dependent on necessary expenditure. I hope the House will agree with me when I say that money spent for the purpose of develop-

ment and improvement will be money well spent as it will bring an ample return.

I therefore ask the Government and this House to accord their sanction to the proposal to capitalise half of the sum available from the proceeds of the jute export duty for the purposes mentioned.

I congratulate the Hon'ble Ministers in charge of Local Self-Government and Industries for having been successful in snatching away more than a couple of lakhs of rupees from the hands of the Finance Member whose iron grip has prevented the full flow of money into the productive channel. What is really needed is a large capital expenditure for developing the rural areas.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I shall not detain the House very long. I only want to give the information which my friend Mr. S. M. Bose wanted. He wanted to know why a sum of Rs. 30,000 to be paid to the Official Receiver came to be inserted in the Budget. Sir, the Official Receiver draws a fixed salary *plus* three-tenths of the nett profit arising from the commission earned, and the balance of seven-tenths goes to Government. His share of the commission has not been paid for some time and the amount put in the estimates represents what is due to him now.

The next point which he raised was regarding the two additional Judges for the High Court. He talked about quality and quantity. Well, Sir, so far as quality is concerned it would be impertinence on my part to express any opinion. And as regards the need for two Additional Judges I shall give the House a few figures. I have got the figures up to 31st December, 1934. At the end of June, 1934,—I am only giving the figures for civil appeals, apart from original decrees—pending appeals were 1,049, and at the end of December, 1934, the number was 1,070. Apart from appellate decrees the number pending at the end of June was 4,913 and at the end of the year it was 4,703. Then there are similar figures with regard to appeals from orders, reviews, divorce cases, references, and so on; I need not trouble the House with these. I have only given the big figures.

With regard to criminal cases at the end of June, 1934, the number of appeals pending was 213 and at the end of the year the number of pending appeals was 331. The number of references at the end of June, 1934, was 26 and at the end of the year 16. The number of revision cases at the end of June, 1934, was 335 and at the end of the year 298; so the House will see what an appalling number of cases are pending in the High Court and it is well known that justice delayed is justice denied. It is to the interest of everybody that these cases should be quickly disposed of. Without two Additional Judges it is impossible to bring about a quick disposal of the large mass of arrears; that is the justification for the two Additional Judges.

**The Hon'ble Khan Bahadur M. AZIZUL HAQUE:** Sir, I am thankful to the hon'ble members of this House for the kind words of appreciation in so far as the Government has enabled the Education Department this year to get in a certain number of new measures bearing upon the school and college sections. I will not take much time of the House except to reply to one or two points that have been raised in the debate, and it is about the top-heavy administration in the Education Department and the highly paid officers of the same department, that have been referred to just now by my friend Mr. Hashem Ali Khan, that I would like to reply. It is really unfortunate that there seems to prevail an impression in the province that our educational officers are very highly paid, but, Sir, it is often forgotten that the amount of work that they have to do is enormous. Take the system of secondary education in this province. The entire inspection system of secondary schools depends on Divisional Inspectors and Second Inspectors. We have got for the time being only five Divisional Inspectors and seven Second Inspectors. Now these 12 officers are supposed to inspect about 1,200 high schools in Bengal. I would like to enquire from our friends as to whether they consider that this is a number which they regard to be such as may be able to cope with the situation. It is true that in the district there is a District Inspector of Schools. But my friend will remember that since 1921, when the present Reforms were inaugurated, the work of the accounts section of every Government department has become so rigid and audit and control have become so severe that in almost every district one officer has to be solely responsible for the administration and control of the grants-in-aid. It is perfectly well known that the grants in the Education Department are so numerous that it is difficult for one officer to deal with the problem successfully. That being so, though theoretically the District Inspector of Schools can inspect a certain number of schools with the authority of the Divisional Inspector, yet, as he is for all practical purposes confined to statistical and accounts work, he cannot possibly do that. Apart from that the District Inspector has a number of other duties to perform. He is a sort of liaison officer between the district board and the public and the Government. In the district board though he does not control entirely the educational system, but he gives them a great deal of help by inspection; he submits proposition statements, prepares bills, distributes grants-in-aid; in fact, it is through him that these things are done. That being so, it is not proper for my friends to say that we employ a staff which is rather too much. On the other hand, the cry is that we have not got that number of officers which is absolutely necessary for the work.

Take again the subject of primary education, in which branch also we are supposed to have a large staff. At present the staff consists of 267 Sub-Inspectors for the whole of Bengal compared with the

fact that the number of primary schools we have to deal with is as many as 64,000. Fancy, Sir, 64,000 primary schools distributed over a province like Bengal, to be inspected by a small staff of 267 Sub-Inspectors only, who at present on an average have to inspect 250 schools in a year. Can they possibly do that? Of course, we cannot control the starting of schools, but once the schools are started they have got to be inspected. That being so, I would like my friends to realise that in this department we have got so many complicated problems to deal with, in the matter of distribution of grants-in-aid, audit of accounts, etc., that the present staff can never be considered to be very large in number considering the staff in the other departments of Government.

As regards pay, I do not think it can be said by any stretch of imagination that our teachers are very well paid. Nor can it be said that a Sub-Inspector of Schools who only gets a pay of Rs. 75—175 is at all adequately paid; and we must realise that when he gets the maximum he is at the zenith of his career and Rs. 175 cannot be considered to be a remunerative salary for even an ordinary graduate. And the rigidity of the present rules will be realised when I tell the House that such a post is not open to an ordinary graduate. After graduation he must pass the B. T. Examination; then he will have to take his chance among a hundred other candidates; so the maximum salary of Rs. 175 cannot be considered too high for men who have to pass these hard stages.

Of the inspecting officers only 12 are in the 1st class, namely, the five Divisional Inspectors and the seven Second Inspectors. Besides, there are only 267 Sub-Inspectors and 27 District Inspectors of Schools. So my reply to these criticisms is that as a matter of fact this department is neither top-heavy nor is the staff very highly paid. On the other hand, for efficient working of the Education Department—and mind you, Sir, education is a very responsible subject and if it has to be administered in a responsible manner, I do not think that public opinion will say that it is top-heavy—so, I say that for the efficient working of this department we rather require much more staff than we at present employ.

Take another case, viz., the case of the Assistant Director of Public Instruction for Muhammadan Education. When this post was sanctioned, the original idea was that he should not be confined to his work in the Secretariat, but that he would have to do a certain amount of touring, but such is the heavy work in the Secretariat that—and I may ask anyone to go to Writers' Buildings and see for himself what long hours that officer has to keep in the Secretariat because of the nature of the work—he cannot possibly do any other work. Similar is the case with the other senior officers, who are all overworked. Considering all this and considering that his inspection work was suffering, the

Director of Public Instruction, Mr. Bottomley, resigned his membership of the Council this year because he found that so much of his time was taken in attending the Council (on an average three months a year), that he could not possibly afford to do any touring and inspection of schools. I, therefore, maintain that the criticisms which have been levelled are not justified.

My friend, Mr. Tamizuddin Khan, has raised the point as to how long they are to wait for the introduction of the Primary Education Act; and he has said that if new taxation can be resorted to, there could be no reason for not introducing the Primary Education Act. It is a perfectly well-known fact that the whole scheme of primary education depends upon the cess which can be paid by the people; and it is only when the people can pay the cess that the Primary Education Act can be made operative. It is beside the point to say that while the Government are introducing other measures of taxation, they are not introducing the Primary Education Act. The whole question is whether the taxation, which is to be imposed under the scheme of primary education, can be realized or not, and I think that I can certainly say that there could be no two opinions about it except my friend Maulvi Abul Kasem, who said that the cess could be imposed. (Cries of "No. no.") So, you see that the general consensus of opinion is that the time is not yet ripe when you can impose the cess. I might remind this House in this connection that the cess is to be imposed as a district cess; it is not that we can pick out a particular locality and try an experiment there; we have to take the district as a whole. It is perfectly well known that there are certain parts in Bengal where we cannot possibly think of imposing the cess at this stage. But if the members of this House would come forward with suggestions as to where the cess could be imposed, Government would certainly consider the desirability of doing so. (MR. SHANTI SHEKHARESWAR RAY: What about the new scheme?) Sir, as regards the new scheme, I am waiting for Mr. Ray to make some constructive suggestion, and I hope he will put forward one.

Now as regards Maulvi Abul Kasem's remark that the Hon'ble Khwaja Sir Nazimuddin undertook to introduce free compulsory education in four districts, I have tried to find it out from the proceedings, but I have not yet been successful. If he could find for me the particular passage, I should be extremely obliged. So far as I know, the Hon'ble Khwaja Sir Nazimuddin wanted to introduce the optional scheme into seven or eight districts, viz., Chittagong, Dacca, Mymensingh, Nadia, Murshidabad, Dinajpur, Pabna, and, probably, one other district. Now, if it is said: "Why not introduce it everywhere?" I would say that this optional scheme is a line of second defence. Originally, the Primary Education Act was passed on the basis of cess for all. Now that the cess cannot be imposed, and it is being admitted

so, the question is whether something better could be done or not. We have to remember that the experiment is only for a year, and it is difficult for any Government to come to the conclusion that simply because the experiment you have tried is a good one, it should be introduced in all the districts. At the same time, if Government want to introduce the optional system, one has to remember the fact that the present amount of educational grant which is spent by district boards has got to be handed over by the district boards to the school boards. Surely, Government cannot lay down by legislation that the district boards should hand over, say, Rs. 40,000 to the local school board unless the district board be prepared voluntarily to do so. I do not think that members of this House would like Government to come to that decision, which would be a negation of self-government. This matter should be left entirely to the choice of district boards. From that point of view, as I have already said, the compulsory introduction of the voluntary scheme would amount to imposing the will of Government on a body, which is a self-governing unit and is supposed to be representative of the people of the locality and it will be a negation of self-government. (Hear, hear!)

Sir, I feel that it is too late for us to say that Government will pass legislation to force the hands of district boards. They are an authoritative body, and I think, it is not in consonance with the spirit of the times that Government should enforce their will on such bodies. They should leave it to their sweet reasonableness to do what they think proper.

Sir, I have nothing further to add except to refer to the remarks of Mr. P. N. Guha and Maulvi Abul Quasem who have pointed out some defects in our present education system in general. Now, I can assure you that this question has constantly been before Government for some time past and even now this whole bundle is a file of papers in which experts of the department have summarized the present defects with a view to finding out a way as to how we can tackle, within the limited means at our disposal, this question. I can assure you that Government are considering this matter. If it is possible to make an announcement on the day when the Budget demand will be made, we would do it. But I can tell you this much, that ever since I have come to office I have been trying my level best to give a new orientation to the education system now prevailing. Whether I shall succeed or not is not a matter for me to judge, but I can assure you that the problem is before me and I am fully alive to its importance. I feel that the education problem is one which must be quickly and satisfactorily solved by the Government. (Hear, hear!)

**The Hon'ble Sir JOHN WOODHEAD:** Sir, the Finance Member on these occasions is not in an enviable position. He is, so to speak, alternately scolded by one member and praised by another. But more frequently he is given a few words of praise in the opening sentences

of a member's speech and then, figuratively speaking, kicked violently during the rest of the speech. However, I am accustomed to that, Sir, and I still survive. The speeches as usual have wandered over a wide field, and I do not propose to—and I am sure members will not insist that I should—deal with all the various points raised by different members in their speeches. What, Sir, I propose to do is to make some observations on a few main points.

The first point is the restoration of the 5 per cent. cut in pay. I have listened to many speeches on that particular point. Maulvi Tamizuddin Khan set the ball rolling. He described me as having smilingly spent Rs. 17 lakhs on the restoration of the 5 per cent. cut in pay and then having very seriously proposed additional taxation in order to cover that expenditure of 17 lakhs. I do not admit that this is a correct description either of my facial expression or of the sequence of events. I did not smilingly propose the restoration of the 5 per cent. cut in pay, nor did I propose additional taxation in order to meet that additional expenditure. During the debates on the taxation measures, I endeavoured to explain why Government had decided to restore the 5 per cent. cut in pay, and, I will try to explain the position again; it is quite a simple one. The Government of India decided—their decision, if I remember aright, was announced early in February—that the cut in pay should be restored as regards the All-India and the Central Services. The Local Government considered the position created by that announcement, most carefully, and they came to the conclusion that, in view of the fact that the cut had been restored in regard to members of the All-India Services, whether serving under the Government of India or under the Local Government, also in regard to all officers of the Central Services, whether serving at Delhi or in the provinces, they (the Local Government) could not justify the maintenance of the cut in regard to officers under their own rule-making power. I would ask members, who have criticised that decision of Government, to put themselves this question—What would they have said if Government had adopted the attitude that although all officers of the All-India Services and officers of the Central Services had been granted relief from the 5 per cent. cut, officers under the rule-making power of the Local Government should be deprived of that relief? Suppose, Sir, members had been asked to approach the position from that point of view, what would they have said? Would they not have been equally critical of Government's decision and have charged Government with refusing to give the lower paid officers, for instance, officers drawing Rs. 100 and less, the relief which had been given to the higher paid officers? Would they not have described it as grossly unfair that while the cut had been restored to all officers serving under the Central Government in Bengal, including all officers serving on the State Railways in this province and all officers serving in the different offices of the Central Government in Calcutta, it had been withheld from officers

of the Local Government working alongside those officers? I ask you to put that question to yourselves and give an honest answer. I can well imagine Mr. Tamizuddin Khan waxing extraordinarily eloquent on the injustice done to the Bengal officers if we had reached that decision. Again, Sir, I refute entirely the suggestion that the additional taxation measures are in any way connected with the restoration of the cut in pay. Any such suggestion is absolutely without foundation. I have never endeavoured to hide anything from the Council, and I trust that members will accept my assurance that the taxation measures would have been introduced even if the cut in pay had not been restored. (MR. SHANTI SHEKHARESWAR RAY: Why?) Even if the cut in pay had not been restored—I would ask Mr. Ray to read the Budget—the deficit on revenue account would have been 52 lakhs and the condition laid down by the Government of India and endorsed by the Central Legislature combined with a deficit of over half a crore would have necessitated the adoption of all possible measures designed to reduce further the deficit between revenue and expenditure.

Retrenchment, Sir, has as usual taken a prominent place in the debate. I dealt with that question at considerable length when I was speaking during the debates on the taxation measures, and I do not propose to go over the same ground again. We have effected very considerable retrenchment. Of that there is not the slightest doubt, and I would remind those who think that further retrenchment, substantial in amount, is possible, that our expenditure per head of the population is still one of the lowest in India, in spite of heavy expenditure on terrorism and interest charges on deficit loans; it is still one of the lowest in spite of the expenditure of Rs. 60 lakhs on anti-terrorist measures and over Rs. 20 lakhs as interest charges on deficit loans. I have extracted some figures which illustrate that point. The figures I have taken are based on the Budget figures for 1934-35. I first quote the total revenue expenditure in the five major provinces. In Bengal the Budget for 1934-35 provided for an expenditure of Rs. 11 crores and 28½ lakhs; in Madras it was Rs. 16 crores and 39 lakhs; in the United Provinces Rs. 11 crores and 60 lakhs; in Bombay Rs. 15 crores and 22 lakhs and in the Punjab Rs. 10 crores and 16 lakhs. And if we work out that expenditure at so much per head of the population we get these figures. In Bengal per head Rs. 2-4, Madras Rs. 3-9, United Provinces Rs. 2-5, Bombay Rs. 7-9 and the Punjab Rs. 4-9. You will find from those figures that, even including our heavy expenditure on terrorism and interest charges on deficit debt, our expenditure is the lowest of those five provinces, and I hope the members will realise that the lower the standard of expenditure the less scope there is for retrenchment. I do not know whether Rai Bahadur Keshab Chandra Banerji was trying to be jocular when he stated that we had only "sported" with the recommendations of the Retrenchment

Committee. I have myself spent many weary hours during the last two years examining the proposals of the Retrenchment Committee, and if that is the Rai Bahadur's idea of sport it certainly is not mine.

Complaints are often made that the transferred departments are starved. I wish that more money was available for those departments; we all wish that was the position. But during the last two or three years, in spite of our extreme financial difficulties, a certain amount of money has been devoted to those departments—two years ago a lakh of rupees was given for the unemployment scheme, and if members will examine the figures during the last three years they will find that a certain amount of money has each year been given to these departments for financing new schemes of expenditure. But I wish to put another point of view before you. Suppose, that in accordance with the views expressed in certain quarters we had reduced our expenditure on the reserved side drastically, I will assume, we reduced very substantially our expenditure on the administration of justice, general administration, which includes the cost of the magistracy and the police, suppose we effected a drastic reduction of expenditure under these heads——

(The Council at this stage adjourned for 15 minutes.)

(After Adjournment.)

**The Hon'ble Sir JOHN WOODHEAD:** Sir, I had observed that I wished that more money was available for the transferred departments. And just prior to the adjournment interval I was trying to place before the House another point of view. It was this: suppose that in our present financial position we did retrench drastically expenditure on the reserved side, *i.e.*, expenditure not on the collection of revenue but on the administration of justice, on general administration and on the police. What would be the result? The efficiency of the administration would certainly decrease. Is it not likely that the House would immediately commence to complain that efficiency had decreased, that the number of Magistrates was not sufficient to deal with the volume of cases, that crimes were increasing? At the present moment one does not hear much of such complaints, but if expenditure on the reserved side were reduced drastically, those complaints would certainly appear and might come forward very rapidly. We might then witness a change in the position, a demand for further expenditure on the subject of law and order as opposed to the present demand for additional expenditure on the transferred side.

Mr. Tamizuddin observed that I had not said anything in my Budget speech about debt conciliation, and enquired whether silence on that subject meant that nothing was to be done or was likely to be done during the coming year. Mr. Tamizuddin has a very short memory, for he appears to have forgotten what His Excellency the Governor said about a fortnight ago when he addressed this House. If Mr. Tamizuddin will read His Excellency's speech he will find these words: "My

Government intend to take action upon the Report—the Report of the Committee on Economic Enquiry—at the earliest practicable moment."

A lot has been said about unemployment, that Government are not tackling that problem, and one speaker went so far as to suggest that it was not until Mr. Gandhi launched his village industries association that Government were galvanised into activity. Here again I suggest that such a view is entirely wrong. Every member of Council knows that we have had a weaving school at Serampore for many years. Have the members of the Council forgotten that Government weaving parties, peripatetic weaving parties, have been employed throughout the province for many years? Has it been forgotten that demonstration parties for teaching cottage industries have been in existence for a considerable number of years? Those parties were increased in 1932 on a suggestion made, I believe, by certain members of this Council. Has it been forgotten that a technical school in Calcutta was founded and established in about 1925 as a result of the report of a committee presided over by Sir R. N. Mukherji? Has it been forgotten that Government established the Kanchrapara Technical School in order to provide a high standard of technical education? Has it been forgotten that there are also technical schools in other parts of the province which have been in existence for many years? What Government can do is limited, particularly in their present financial position. But, Sir, I think I can maintain that Government have for many years past done something, perhaps not as much as they could have wished or as much as the members of the Council would have wished but they certainly have done a considerable amount towards the development of home industries during the last 20 years

Sir, I have little more to say. I believe one hon'ble member suggested that we should increase our present low standard of expenditure by 2 crores in the hope that the Government of India would carry the increased deficit. I am sure that that is not a practical proposition. Is there not the possibility, amounting to almost a certainty, that the Government of India would refuse to allow us to increase our overdraft to that extent? Our financial outlook during this year and for the coming year has certainly improved, and I hope that when the taxation measures, which I introduced a short time ago, are passed by the Council, the improvement in that outlook will not only be maintained but increased. It is not now long to the financial enquiry which will be held at the last possible date before the Reforms are introduced, and I sincerely hope that as a result of that enquiry, our finances will be placed on a sound basis. We have struggled for many years to obtain an equitable settlement, and as I have said before, it has not been an easy struggle. But I hope, and I sincerely hope, that the time is now not far distant when our finances will be definitely on a sound basis.

If, before I surrender the reins of my office, I shall have been successful in obtaining for Bengal an equitable settlement, I shall certainly retire fully satisfied.

**Maulvi ABDUL HAKIM:** Sir, in connection with the general discussion of the Budget estimates, I want to deal particularly with a few points from the viewpoint of the suffering masses, I mean the tenants who form the backbone of the population of our province. In these days of economic calamities no substantial provision has been made in the Budget of the Government of Bengal for saving the dying tenants. Since the permanent settlement their rents have been increased to such an abnormal amount that it is quite impossible to save their lands from the huge arrears of rents that have accumulated since the onset of the economic depression. It is a Gospel truth that in certain *mahals* rents have been increased more than two hundred times the revenue of those *mahals*.

**Mr. SHANTI SHEKHARESWAR RAY:** On a point of order, Sir, I draw your attention to rule 89 which says that the Hon'ble the Finance Member shall have the final say in the general discussion of the Budget.

**Maulvi TAMIZUDDIN KHAN:** In that connection, Sir, it must also be considered that two days have been allotted for the purpose.

**Mr. DEPUTY PRESIDENT:** I think the member may be allowed to continue his speech.

**Maulvi ABDUL HAKIM:** Sir, from the speech delivered the other day by my colleague Haji Badi Ahmed Chowdhury, I have come to learn that the tenants' rent has gone up to thirty rupees per acre in a *khas mahal* in Chittagong, and this amount is far above the net average income from an acre of land in these days of economic depression.

History condemns the reign of Muhammad Toglak as being the most quixotic monarch of the Pathan dynasty for introducing drastic revenue measures upon his subjects, but for the sake of truth may I not reiterate those condemnations upon this Government for the iniquitous and unjust legislation for the exploitation of tenants holding even *khas mahal* lands in certain parts of the province——

(At this stage it was pointed out that there was no quorum.)

(The House was counted by the Secretary who reported that there was no quorum.)

**Mr. DEPUTY PRESIDENT:** Order, order. There is no quorum and I must adjourn the House.

## Adjournment.

The Council was then adjourned till 3 p.m. on Thursday, the 28th February, 1935, at the Council House, Calcutta.

# Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 28th February, 1935, at 3 p.m.

**Present:**

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 91 nominated and elected members.

## STARRED QUESTIONS

**(to which oral answers were given).**

### Earnings of the typists and copyists in Civil Courts.

***36. Dr. JOGENDRA CHANDRA CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that under the General Circular Letter No. 8 of the Hon'ble High Court the present scale of the typists and ordinary copyists employed in the Civil Courts are fixed at the rate of Rs. 65 and Rs. 40 respectively per month;

(*ii*) that the typists are required to provide themselves with their own machines;

(*iii*) that the prices of type-writing machines have gone down considerably at present;

(*iv*) that the instalments for the type-writing machines have been paid by the typists within two years of their appointments;

(*v*) that the typists are allowed to take up private works and prepare sessions briefs;

(*vi*) that the typists are required to type 150 words per folio;

(*vii*) the copyists have to write 300 words per folio by hands?

(*b*) Is it a fact that the High Court Circular is silent on the point—

(*i*) whether in the absence of the English copies the typists are to make vernacular copies; and

(*ii*) also as to the scale on which the typists are to draw their remunerations when they make vernacular copies?

(c) Is it also a fact that in the absence of the English copies the typists copy out vernacular copies by their hands, but that they draw their remunerations at the rate of Rs. 65 per month, prescribed for type-written English copies?

(d) Is it a fact that the present ratios fixed by the Hon'ble High Court for the typists and ordinary copyists have entailed hardship on the ordinary copyists?

(e) Are the Government considering the desirability of—

(i) drawing the attention of the Hon'ble High Court to this matter; and

(ii) recommending to the Hon'ble High Court to fix the ratio for the typists at the rate of Rs. 50 in place of Rs. 65 per month as at present?

**MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter):** (a) (i) Yes, this is the minimum standard fixed by the High Court.

(ii) Yes, ordinarily.

(iii) The prices vary from time to time.

(iv) Advances taken from Government for purchase of the machines are required to be repaid in 24 instalments.

(v) They are not allowed to take up private work in office, but they are required to prepare sessions briefs occasionally.

(vi) Yes.

(vii) 150 words when English and 300 words when Bengali.

(b) (i) Yes.

(ii) The rate of remuneration for vernacular copies is the same whether it is made by the typist or the copyist.

(c) Vernacular copies are sometimes made over to typists and English copies to copyists to maintain the ratio 65 : 40 in the earnings of the typists and copyists as an interpretation of the standards prescribed by the High Court

(d) No such complaint has been received.

(e) No.

### Assistant river surveyors of the Calcutta Port Trust.

***37. Mr. P. BANERJI:** (a) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether it is a fact that in the month of June, 1934, two non-Indians, as distinct from persons of pure Indian parentage, were appointed as probationary assistant river surveyors by the Calcutta Port Trust authorities?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the appointment of these non-Indians was due to Indians with similar qualifications not being available or not offering their services as candidates for appointment?

(*c*) What are the qualifications of the persons appointed?

(*d*) What is the scale of salary for an assistant river surveyor during the probationary period and on confirmation?

(*e*) Were the posts, before being filled up, properly advertised?

(*f*) If the answer to (*c*) is in the negative—

(*i*) why were not opportunities given to Indians who might have otherwise offered themselves as candidates for appointment; and

(*ii*) how did the authorities determine that the persons appointed were the best available for the posts?

(*g*) Is it a fact that the persons appointed never served as cadets in the Mercantile Marine Training Ship "Dufferin"?

(*h*) With reference to the resolution No. 671 regarding Indianisation of their services, adopted, after the receipt of a letter from the Government, by the Commissioners for the Port of Calcutta in their 2105th meeting held on the 11th September, 1933, will the Hon'ble Member be pleased to state whether it is a fact that the Port Trust authorities in their letter on the subject to the Government pointed out some difficulties which would militate against the appointment of Indians to the higher posts in the Mechanical Engineering and the Deputy Conservator's Departments, like the present dearth of sufficiently qualified persons among them (Indians) for the purpose, but made it clear that as persons can be taken in while young to receive the necessary training in the services, one important section of the Deputy Conservator's Department, viz., River Survey, could be Indianised without difficulty, cadets from the Mercantile Marine ship "Dufferin" being eminently suitable for the purpose?

(*i*) If the answers to (*g*) and (*h*) are in the affirmative, what is the reason for prescribing one set of qualifications for the non-Indians and another for the Indians?

**MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead):** (*a*) Two Anglo-Indians were appointed as probationary assistant river surveyors on the 1st June, 1934.

(*b*) The names of three Indian candidates were received from the Principal, Bengal Engineering College, but they were over age.

(*c*) The qualifications required of probationary assistant river surveyors are given in the statement laid on the table. The probationers appointed possessed these qualifications.

(*d*) The salary during the probationary period of three years is Rs. 75, Rs. 95, and Rs. 115 respectively. The pay on confirmation is Rs. 200 in the scale of Rs. 75—20—95—115—200—250—310—30—400—450—50—1,200.

(*e*) The posts have not been advertised in the past. On this occasion also they were not advertised.

(*f*) (*i*) The names of three Indian candidates were received through the Principal of the Bengal Engineering College.

(*ii*) The two probationers appointed were considered suitable.

(*g*) Yes; no cadets of the "Dufferin" were available.

(*h*) Yes.

(*i*) The qualifications required are the same for all candidates, Indians and non-Indians.

*Statement showing the qualifications required of probationary assistant river surveyors referred to in the reply to starred question No. 36 (c).*

(1) Less than 18 years of age.

(2) Have passed the Senior Cambridge Examination, or its equivalent, with credit in mathematics, which must include trigonometry.

(3) Be of good physique and produce a medical certificate of fitness with specific reference to absence of any defect or weakness of eyesight. The candidate will be further examined by the Commissioners' Medical Officer prior to entry.

(4) Must produce a certificate of conduct and character from the head of his last school.

**Mr. S. M. BOSE.** With reference to answer (*e*), will the Hon'ble Member suggest to the Port Commissioners that such posts should be advertised in future?

**The Hon'ble Sir JOHN WOODHEAD:** I will take up that question with the Port Commissioners.

### Temporary clerk in the Mymensingh Collectorate.

***38. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that in the Mymensingh Collectorate, a temporary clerk, who acted as such

in various departments both at Sadar and Netrakona continuously from September, 1927, up to October, 1933, was appointed a probationer on the 1st November, 1933?

(*b*) Is it a fact that the said probationer was reverted to the post of temporary clerk under the orders of the Collector from the 1st December, 1934, on the strength of the correction slip No. 96 to Rule 58 of the Board's Miscellaneous Rules published in August, 1934?

(*c*) Is the Hon'ble Member aware—

(*i*) that the said probationer was only aged about 24 when he entered service as temporary clerk; and

(*ii*) that he was appointed probationer when he was 30 years and 4 months?

(*d*) Will the Hon'ble Member be pleased to state whether any reference was made by the Collector to the Government for sanction of his appointment as probationer?

(*e*) If the answer to (*d*) is in the affirmative, when was such a reference made?

(*f*) If no reference was made to the Government, what are the reasons for the same?

(*g*) Is it a fact that before August, 1934, all references for sanction of probationers above the ages 25 and even 30 were accepted by the Government?

(*h*) If the answer to (*g*) is in the affirmative, why was not the reference made to the Government soon after the said appointment?

(*i*) Do the Government realise

(*i*) that the bar of correction slip No. 96 stated in (*b*) would not have arisen in that case, and

(*ii*) that by applying the said correction slip No. 96 retrospectively a principle which has always been adopted in similar cases has been violated?

(*j*) Will the Government consider the desirability of reconsidering the point as it affects an accepted principle?

**MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter):** (*a*) Yes.

(*b*) He was reverted, because Government had refused sanction to the relaxation of the age-limit in two similar cases previously. The appointment had been made contrary to rule.

(*c*) (*i*) and (*ii*) Yes.

(*d*) No.

(*e*) Does not arise.

(*f*) *Vide* reply to (*b*).

(*g*) No.

(*h*) Does not arise.

(*i*) (*i*) and (*ii*) No. The correction slip referred to has the effect of relaxing the age-limit, in certain cases.

(*j*) No.

**Babu AMULYADHAN RAY:** Will the Hon'ble Member be pleased to state whether a circular issued by the Appointment Department on the 28th of April, 1931, regarding the appointment of scheduled castes, has been strictly followed in this particular matter?

**The Hon'ble Sir BROJENDRA LAL MITTER:** It does not arise from the question, Sir.

## Handloom industry of Bengal.

*39. **Maulvi ABDUS SAMAD:** (*a*) Is the Hon'ble Minister in charge of Industries aware that the new scheme for the development of handloom industry of Bengal has been placed under the disposal of the Registrar of Co-operative Societies, Bengal?

(*b*) Do the Government realise that the scheme is strictly a concern of the Department of Industries?

(*c*) If the answer to (*b*) is in the affirmative, what steps, if any, do the Government propose taking to set the matter right?

**MINISTER in charge of INDUSTRIES DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur):** (*a*) The scheme in part affects the Co-operative Department and in part the Department of Industries. Its working will at the outset be supervised by the Registrar of Co-operative Societies or the Director of Industries according to the Department concerned.

(*b*) and (*c*) Do not arise

**Rai Bahadur KESHAB CHANDRA BANERJI:** Is the handloom industry of Bengal being organised under the auspices of the Co-operative Department?

**The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur:** It is being organised by the two departments concerned—the Co-operative and the Industry.

**Rai Bahadur KESHAB CHANDRA BANERJI:** How does it come under the Co-operative Department and for what reasons?

**The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur:** I would refer the member to the Press Note issued yesterday where he would get all the details.

**Rai Bahadur KESHAB CHANDRA BANERJI:** Is the industry organised on a co-operative basis?

**The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur:** Sir, I have nothing further to add.

**Survey and settlement costs in Dinajpur district.**

***40. Babu PREMHARI BARMA:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) whether there is a fixed rate per acre of land for the realisation of survey and settlement costs from the landlords and tenants;

(*ii*) whether there is any question of such rate being varied in case of the district of Dinajpur;

(*iii*) whether there is any difference in such rate in respect of land under cultivation, cultivable fallow land, uncultivable forest land, and swamps or marshes; and

(*iv*) whether he is aware that there are in the district of Dinajpur such forest lands as abound in wild beasts and are not expected to be reclaimed even in the near future?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, are the Government considering the desirability of reducing the rate per acre of land in respect of such forest lands and also swamps or marshes?

**The Hon'ble Sir BROJENDRA LAL MITTER:** (*a*) (*i*) and (*ii*) Yes, in each block. But the rate varies according to variation in the cost of each block.

(*iii*) Scattered plots of fallow and jungle are assessed at the same rate as other lands, but large compact blocks where no internal survey is necessary are charged at lower rates.

(*iv*) No.

(*b*) The question will be considered at the time of calculating the rate to be levied when the details are known.

# NON-OFFICIAL BUSINESS.

## NON-OFFICIAL MEMBERS' BILLS.

### The Estates Partition (Amendment) Bill, 1933.

The Hon'ble Sir Brojendra Lal Mitter presented the Report of the Select Committee on the Estates Partition (Amendment) Bill, 1933.

**Babu KISHORI MOHAN CHAUDHURI:** I move that the said Bill, as reported by the Select Committee, be taken into consideration.

Sir, I do not think any special speech is necessary, as Government has kindly accepted the Bill with some modifications. I do not think therefore I need take up the time of the Council any longer

The motion was put and agreed to.

*Clauses 1, 2 and 3A.*

The motion that clauses 1, 2 and 3A stand part of the Bill was put and agreed to.

*Preamble.*

The motion that the Preamble stand part of Bill was put and agreed to.

**Babu KISHORI MOHAN CHAUDHURI:** I move that the said Bill, as settled in Council, be passed.

The motion was put and agreed to.

### The Bengal Ferries (Amendment) Bill, 1934.

**Maulvi ABDUL HAKIM:** I move that the Bengal Ferries (Amendment) Bill, 1934, be taken into consideration.

The object of this short amendment is to fix the maximum limit to the period to which a ferry should be leased. In some places the ferries are leased to farmers for long periods, namely, 10 to 15 years. In the district of Mymensingh the first class ferries have been leased for 15 years and the second class ferries have been leased for 10 years to a very rich ferry farmer. A great deal of exaction and exploitation is committed by these long-termed ferry farmers upon the ignorant and

helpless passengers during these long periods in respect of ferry charges to be realised on goods and conveyances such as *dulis*, carts and palanquins, etc. Monopoly of any trade is harmful to the best interests of the people at large. It is also financially injurious to the best interests of district boards themselves. This power of granting long lease——.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, the hon'ble member is reading from the Statement of Objects and Reasons. That has already been circulated and is well known to the members.

**Maulvi ABDUL HAKIM:** But, Sir, I am going to add something to it. This power of granting long lease has been instrumental to searing away the small farmers, making room for only big ones with big purses. Another reason for this amendment is that a board should not be allowed to tie the hands of its successor in respect of the management of the board's finance. This practice of allowing one board to forestall the actions of a succeeding board is bound to interfere with the efficient management of a board and is against the principle of electing a new board every third year or fourth year. If one board is allowed to tie down the financial hand of all future boards, where is the necessity of having a new board few years after?

In my opinion a lease for a term not exceeding three years will be best suited to the legitimate interest of district boards and ferry farmers alike.

In this connection I may say that *dulis* are vehicles which are carried by up-country men. Sometimes they charge 6 pies, sometimes 6 annas, and sometimes 12 annas. That is also the case with ferrymen; sometimes they charge very low, sometimes very high. It is equally the case with carts, etc.

**Mr. PRESIDENT:** I should like you to say something about the principle of the Bill.

**Maulvi ABDUL HAKIM:** There is another reason for my proposing this amendment. But I do not like to mention it, as it would be an unpleasant matter to say in this Council.

**Mr. PRESIDENT:** There are three amendments for the circulation of the Bill to elicit public opinion thereon. I think one only need be taken up and that of the Hon'ble Sir Bijoy Prasad Singh Roy.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1935. This Bill proposes to curtail the rights of the district boards and it is only proper that the district boards should be allowed to express their views on the provisions of the Bill before it is taken up for consideration by this House.

**Maulvi ABDUL HAKIM:** Sir, after I have heard from the Hon'ble Minister, I accept the Hon'ble Minister's motion.

The motion was put and agreed to.

## The Bengal Tenancy (Amendment) Bill, 1934 (Section 148).

**Babu KISHORI MOHAN CHAUDHURI:** I move that the Bengal Tenancy (Amendment) Bill, 1934 (Section 148), be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Revenue Department,

(2) Mr. A. deC. Williams,

(3) Mr. O. M. Martin,

(4) Maulvi Tamizuddin Khan,

(5) Maulvi Abdus Samad,

(6) Mr. Shanti Shekhareswar Ray,

(7) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(8) Mr. Sarat Kumar Roy, and

(9) the mover,

with instruction to submit their report by the 30th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I could not get Mr. Basu's consent. So, I have put another name—Mr. Shanti Shekhareswar Ray. Nawab Musharruf Hossain, whose name originally was proposed, is absent, and so I could not get his consent. Therefore his name has been left out.

Sir, this refers to section 148 only. The only question is about the appointment of guardians in certain cases. In the Act there is no positive direction on the point. Only when the original suit is brought, it is provided that instead of taking a circuitous procedure the natural guardian is served with notice that he would be taken as the guardian of the minor, and if objection is taken other arrangement is made. Some courts in the mufassal insist upon the appointment of fresh natural guardian or court guardian for the minors in execution cases as a result whereof poor tenants are unnecessarily saddled with costs for the same and delay is caused in the disposal of execution cases. To save the unnecessary costs and delay so far as the poor tenants are concerned I have brought this Bill. With these few words I trust my motion will be accepted by the House.

**Mr. PRESIDENT:** There are two amendments regarding the personnel of the Select Committee, but they are all out of order as no consent has been received.

**Mr. S. M. BOSE:** Sir, I beg to oppose the reference of the Bill to a Select Committee. I find that the mover has given notice of three separate Bills—item No. 7 to amend section 148, item No. 8 to amend sections 48C, 109 and 158A, and item No. 11 to amend sections 65 and 163. Another member—Babu Satish Chandra Ray Chowdhury—has given notice to move for leave to introduce a Bill further to amend the Bengal Tenancy Act, 1885. Sir, I do not know anything of this Bill. But one thing I can say, that fractional legislation is not desirable——

**Maulvi TAMIZUDDIN KHAN:** I think my hon'ble friend is not speaking on the Bill under reference. He seems to be speaking on the Bills which have not yet been moved.

**Mr. S. M. BOSE:** I am sorry the Maulvi Sahib has not understood my objection. What I say is this: my friend—Babu Kishori Mohan Chaudhuri—has brought in three separate Bills to amend a certain proviso of the Bengal Tenancy Act. Sir, I am opposed to fractional legislation. What I submit is this, that the Bengal Tenancy Act is a well thoughtout measure, one of compromise between various interests, and should not be tampered with in parts.

**Mr. PRESIDENT:** In other words, you are against any sort of piecemeal legislation.

**Mr. S. M. BOSE:** Yes, Sir.

**Rai Bahadur KESHAB CHANDRA BANERJI:** Sir, it is a very useful legislation. It aims at removing certain difficulties which are now being experienced in regard to execution cases. The amendment, if accepted, will go a long way towards the solution of a real problem with which the tenants are faced at the present moment.

**Babu KHETTER MOHAN RAY:** Sir, I support the motion of Babu Kishori Mohan Chaudhuri. It is a reasonable amendment, and it will benefit a great deal the tenants in the mufassal. As the Act stands at present, a minor has got to pay an additional fee of Rs. 4 for the appointment of a fresh guardian in execution cases. This is not reasonable. If, in the original suit, any natural guardian is appointed or any guardian is appointed by the court, then it is unnecessary to appoint again a fresh natural guardian in execution cases. If my friend's amendment is accepted, it will save a great deal of trouble, labour, time and unnecessary expense so far as the poor tenants are concerned.

I therefore do not think that the interest of the minor will in any way be jeopardised if no fresh guardian is appointed again in execution cases.

Babu Hem Chandra Roy Choudhuri spoke on this motion. He was inaudible at the reporters' table. He is, however, understood to have spoken in support of the motion.

**Maulvi TAMIZUDDIN KHAN:** I beg to support the motion of Babu Kishori Mohan Chaudhuri. There cannot be any reasonable objection to the provision that no fresh appointment of any natural or court guardian would be necessary in execution cases arising out of suits in which such guardians have already been appointed. My friend, Mr. S. M. Bose, objects to the Bill on the ground that it is an attempt at piecemeal legislation. I do not know why he should advance such a flimsy argument against such a reasonable proposal. He has not been able to produce a single cogent argument against the Bill. His position with regard to this Bill is "give the dog a bad name and then hang it," otherwise how could he raise his voice of protest against such a reasonable provision?

**The Hon'ble Sir BROJENDRA LAL MITTER:** I am afraid the Bill is wholly misconceived. Clause 3 says: "No fresh appointment of any natural or court guardian would be necessary in execution cases arising out of the original suits where a guardian has already been appointed." Suppose a guardian was appointed in the suit and after decree the guardian dies. In the execution proceeding is the minor to go unrepresented by any guardian? For, that will be the effect of this amendment. Suppose, in execution, the minor's property is sold and there is irregularity in the sale. Who will be there to have the sale set aside if the minor is not represented? Clause 3 says: "Where a guardian has already been appointed in the suit." So long as that guardian is not removed or so long as he does not die, he continues to be the guardian till the suit is completed, that is, including execution proceedings. If he continues to be the guardian, there is no point in appointing a fresh guardian in execution proceedings because there cannot be two guardians for the same minor. Some hon'ble members have said that some courts do that. I understand what they meant was that some courts appoint a guardian when there is already a guardian on the record. If they do so, then they do something which is against the law and can be remedied by ordinary law. Why rush into legislation merely because some courts made some stupid orders? There is the appellate court, there is the High Court; these courts are there to correct the mistakes of the subordinate courts; no legislation is necessary. On the other hand, if there be no guardian, that is, if the guardian has died after decree, and if during the pendency of the execution proceedings it is necessary that a guardian should be appointed

to look after the interests of the minor, what will happen if the Bill is passed? Take it whichever way you like, this Bill will lead to absurdity. If you read clause 3 of the Bill you will see that it reads: "No fresh appointment should be made at all in execution proceedings." Then that will lead to the absurdity of a minor going unrepresented if a guardian appointed in the suit had died. If you mean that this refers to a second guardian being appointed when there is already a guardian on the record, then that is a stupid order against which the remedy lies in the appellate courts for which no legislation is at all necessary. So, I submit that the Bill is wholly misconceived, and I oppose its reference to the Select Committee.

I want to draw the attention of the hon'ble members to the peremptory provision of the Civil Procedure Code that no minor should go unrepresented in a suit. Although it has been held—and I am aware of the ruling on this point—that the Civil Procedure Code makes no provision for the appointment of guardians in execution proceedings in so many words, and therefore when in execution proceedings a guardian had died and the minor was not represented by the guardian and sale had taken place the sale would not be set aside merely for the fact that the minor was not represented. Why? What does it mean? Because in that case a minor's interest was not at issue or affected, and therefore the court came to the conclusion that although there was no guardian at the time of the sale, yet since the sale did not in any way affect the minor's interest the sale should not be set aside merely for the reason that there was no guardian. The law therefore is this: that the court has got a discretion to appoint a guardian when it finds that the interest of the minor might be affected in execution proceedings. If the Bill is passed, that discretion will be taken away, because it would be a peremptory provision—that no fresh guardian can be appointed once one has been appointed. What will happen in such a case where the interest of the infant is seriously affected in execution proceedings and the original guardian dies: If this Bill be passed, the infant would go unrepresented at the execution proceedings. That will be contrary to the whole spirit of the Civil Procedure Code and contrary to the whole spirit of the law that a minor should not go unrepresented when his interest is at stake. Therefore, Sir, this Bill is misconceived, not merely in the matter of procedure, where a mistake can be rectified by a higher court, but also on the fundamental ground that if this Bill is passed, the minor is likely to go unrepresented when his interest is at stake. So I oppose the motion for reference to Select Committee.

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I am sorry to say that there has been Government opposition in this matter. No case against a minor can proceed unless a minor is properly represented. That I know, Sir. The Civil Procedure Code distinctly says that in

every case where a minor is concerned, he has to be represented. My suggestion is that no fresh appointment should be necessary in execution cases arising out of the original suit where a guardian has already been appointed. That does not say that even if the guardian has died there should be no appointment. But if there is a guardian already, in that case no fresh appointment of guardian is necessary. Execution cases are practically continuations of original suits, but it is not clearly stated here. On the other hand, if the hon'ble member will kindly see clause (V) of the Act there it is stated that "notwithstanding anything contained in sub-rule (3) of rule 11 of Order XXI in Schedule I to the Code of Civil Procedure, 1908, the court shall not, unless for special reasons to be recorded in writing, direct the decree-holder to file a copy of the decree or any fresh *vakalatnama* for the purpose of executing the decree." In certain cases a fresh *vakalatnama* may be necessary and may be ordered by the court to be filed. It does not say that no fresh *vakalatnama* would be necessary; it only says that it may be necessary. In that way, when there has been an appointment in the original court, the court may think that once the decree is passed the matter ends there, and if you mean to proceed to execute the decree, you must make a fresh appointment. Where there is the death of a guardian the execution case must not proceed, there must be someone to look after the interests of the minor. Therefore, I say in my amendment that when a guardian has already been appointed, that does not take away the necessity of appointing another if that guardian happens to die. With death his appointment also ends, and in that case certainly another appointment would be necessary. Everyone understands that and no special provision need be made. If my amendment is accepted, it would not frustrate the provision of the law, but even if there be the death of a guardian, there is no apprehension that the execution should proceed without the existence of any guardian; so to my mind it is merely a misapprehension on the part of the hon'ble member and I think there should not be any objection to his accepting my motion. No difficulty will arise, and in no case would the minor be proceeded with without a guardian. Our object is that if there be a guardian already that would be quite sufficient and in that case nothing need be done. It has been suggested that the party may go to the appellate court, but that is a very expensive matter. Why should they go to the appellate court? As in some cases it has been suggested that a fresh *vakalatnama* may not be necessary, the pleader who conducted the case could proceed with the execution proceedings without any *vakalatnama*. So we see that if there be a guardian, execution case can proceed against any minor who is represented by his guardian. Of course, the court shall have to be satisfied whether there is a guardian or not. If there is no guardian, a fresh appointment will have to be made, and this does not clash with the provision in my Bill. So I hope Government will consider the matter. It is a simple provision, and it is for the benefit of the poor

tenants that this amendment has been suggested and I hope that members who have got knowledge of the mufassal courts will also support my Bill. In that view I hope there will be no opposition to this Bill. Anyhow, let the Bill go to the Select Committee. If any difficulty is found there, that may be solved in a proper way, and Government will then be able to see whether the procedure suggested in my Bill clashes with any fundamental law or whether any other suggestions should be made. This Bill is necessary in this sense that at present fresh guardians are being appointed by some courts. It is a very costly procedure, and the poor people suffer very much. In this view I hope Government will offer no opposition to the Bill being referred to a Select Committee.

**The Hon'ble Sir BROJENDRA LAL MITTER:** May I make a statement, Sir. Probably this will meet the hon'ble members who are under an apprehension that there may be double appointments. Now if it will satisfy the hon'ble member I am prepared to bring the matter to the notice of the High Court and the High Court can issue a circular that there must not be any double appointments I think that should satisfy the hon'ble member and he will agree that no legislation is necessary for that.

**Babu KISHORI MOHAN CHAUDHURI:** In that view I would not like to press my amendment and if the House has no objection, I would withdraw it.

The motion of Babu Kishori Mohan Chaudhuri was then, by leave of the House, withdrawn.

## The Bengal Tenancy (Amendment) Bill, 1934 (Sections 48C, 109 and 158A).

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1934 (Sections 48C, 109 and 158A), be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Revenue Department,

(2) Mr. A. deC. Williams,

(3) Mr. O. M. Martin,

(4) Maulvi Syed Majid Baksh,

(5) Dr. Naresh Chandra Sen Gupta,

(6) Babu Jatindra Nath Basu,

(7) Mr. Sarat Kumar Roy,

(8) Mr. Shanti Shekhareswar Ray, and

(9) the mover.

with instruction to submit their report by the 30th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, in moving for the reference of this Bill to the Select Committee I may be permitted to submit the reasons for bringing up this amending Bill before the Council.

In section 48C, regarding the ejectment of under-tenants, under the old law there was nothing about 12 years' possession of the defendant. In the amending Tenancy Act of 1928 a safeguard was inserted for the protection of the poor tenants from being evicted from their holdings if they could prove 12 years' possession. That was thought to be quite sufficient to protect them, but the ingenuity of lawyers could find some loopholes; and I believe in a certain case in Chittagong it was found that the notice was duly served before. It was stated in that case that if the notice was served before the amendment of the Act, and the law was introduced within the time allowed for the service of the notice, viz., one year, the notice which had already been served would not be affected by the provisions of the amending Act, because the notice suggested in the amending Act is quite different from the original notice provided for under the old Act. In that view of the matter, the eviction could not be resisted and the ejectment suit was allowed. This case is reported in 37 C.W.N., 689. In this matter I submit that the spirit of the law is to protect the poor *raiyat* where he has been in continued possession for 12 years. In regard to that matter the law is not silent as to whether the possession should be before or after. But about the notice, nothing was thought of, perhaps because it was taken to be an unimportant matter. The main spirit of the amendment, *i.e.*, that 12 years' possession would afford protection, should not be taken away. I have, therefore, brought forward this amendment with a view to protect the *raiyat* from eviction. My amendment is that in section 48C, after sub-clause (2) of clause (c) of the proviso, the following words be added, viz., "irrespective of whether or not the tenancy has terminated by expiry of the term, or it has been determined by notice, or the suit for ejectment has been instituted before or after the commencement of the Bengal Tenancy Amendment Act, IV of 1928." If this is accepted, in that case the poor *raiyat* will be protected from eviction: that is the object of amending section 48C.

Sir, as regards the amendment of section 109, I may say that the reason for my amendment is that there is a Full Bench ruling of the

Calcutta High Court, reported in 35 C.W.N., 1147, that if an application is made under section 105 or 106, no fresh action can proceed; and section 109 would be a bar. Therefore, an amendment was made by the amending Act of 1928 in the following terms:—

"Provided that nothing contained in this section shall debar a civil court from entertaining a suit concerning any matter which—

(a) was the subject-matter of an application under section 105, or section 105A, or of a suit under section 106, if such application or suit has been dismissed for default or withdrawn, or

(b) has not been finally adjudicated upon in any such proceeding or suit."

That was the saving clause introduced. In spite of this, some difficulty was felt in the case reported in 35, C.W.N. (between a certain tenant and the Nawab Bahadur of Murshidabad), where it was held that there would be no safety as the matter was taken up before the amendment. In order to remove that defect I propose that section 109 be amended in this way, viz., by the insertion at the end of clause (a) of the proviso, viz., "irrespective of whether or not such application or suit was filed or instituted, or the same was finally disposed of before or after the commencement of the Bengal Tenancy Amendment Act, IV of 1928." If my amendment is accepted, justice will be done in the matter. As I have stated, the difficulty was created by the Full Bench ruling that even if there be any application and if it is not proceeded with, even then that would debar any person from raising the question again; so whether the suit is filed or not and even in the meantime the amendment be made, in that case the matter will be gone into and no difficulty will arise.

Sir, as regards the amendment of section 158A, it has been brought forward for the benefit of the persons who wish to realize rent by summary proceeding. Where the settlement operations have not been completed, there cannot be any application to the Collector for permission to file any certificate for realizing rent from any *patni*. What I propose is that even if the settlement operations be not completed, if there be any written contract between the parties as in the case of *dar patnis* or *kami pates*, in that case he may be permitted to file a certificate and realize money for the due payment of Government rent, cess or *patni* rents by the Collector.

I hope the points I have brought forward will be duly considered by the Select Committee. The first case refers to the ejectment of tenants; the second seeks that any points in a petition should not be allowed to stand in the way of a real adjudication of the main question between the contending parties; and the third, relating to section 158A, is only for the benefit of the persons who feel some difficulty in paying Government cess and *patni* rents without being able to realize any rent from

the under-tenants. If in any case the Collector is not satisfied, the permission asked for will not be granted, and if any modification is necessary that may be made. The real difficulties are there. I hope on account of these difficulties the Government will kindly allow the matter to go to the Select Committee.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I oppose the motion for Select Committee on two main grounds. The first is that this measure is absolutely unnecessary, and secondly that this measure involves a dangerous principle which it would be well for us in this Council to avoid. Sir, the dangerous principle is the retrospective effect of the statute. This Bill wants to give retrospective effect to an enactment made in 1929. This section 48C came into operation on the 21st February, 1929. What the mover wants to do is to make section 48C applicable not merely to suits filed after February, 1929, but to suits which had been instituted before that, because suits instituted after February, 1929, are already protected by the section. Therefore, it is suits filed before February, 1929, which would attract the provisions of this measure. Sir, in the first instance, it has not been stated by Kishori Babu how many such suits, ejectment suits, are now pending. Possibly none, or may be only a few I do not know; it is for the mover to tell the House. Before he can induce the members of the Council to accept this measure, he must convince them that it is necessary and that it will give relief in a sufficiently large number of cases where otherwise there would be hardship. Has he told us how many suits instituted before 1929 for ejectment of under-*raiyats* are pending which would get the benefit of this measure, if passed? If there be none, then what are we about? Why legislate, for whose benefit? For no one. Even if there be a few suits pending, would it be right for this Council to pass legislation in order to remove possible hardship, in a few cases? Sir, I submit that Kishori Babu has not satisfied us that there is any case of hardship which will get the benefit if this measure be passed. Therefore, it is unnecessary. But my objection is more fundamental than that. We should not as a rule pass measures with retrospective effect. Just consider for a moment what it means. A man files a suit and goes to court for redress. He goes to court upon the then existing state of the law; he knows what his rights and obligations are. Under the existing law he comes to the conclusion that there is a wrong to be redressed. He goes to court. When the case is going on, the legislature passes a new measure and the court says: "You may have been right when you filed your suit, but under the new measure your case is non-suited." Is that right? This morning I took pains to look up some books on the principles of legislation, and in one book I found this: "Philosophical

legal writers have always denied that no legislature ought to have the power to pass retrospective legislation." It is not denied that this House is competent to pass retrospective legislation, but what I wish to draw attention to is this, that on principle it is a wrong thing. There may be cases of such hardship when retrospective legislation might be necessary, but they are rare cases. Is this one of those cases? Has it already been brought to our notice that there have been numerous cases in which under-*raiyats* were ejected and made homeless and landless because of the rigorous provisions of the law? This may be a theoretical perfection, but we are practical men and not here to aspire after theoretical prefection. Sir, a statute is retrospective which takes away or impairs any vested right acquired under the existing law, or creates a new obligation or imposes a new duty or attaches a new liability in respect of transactions or considerations already passed. Now what is this Bill? This Bill if passed will apply to pending cases under section 48C. Is it right? When a man goes to court with his grievances, his case is pending, the judiciary is in seisin of the case; in the midst of the case legislation interferes and says whatever the merits have been when the plaintiff brought his suit, this case must now be dismissed. Is that right? It is fundamentally wrong. We ought not as legislators to interfere with pending cases. We might deal with the future, regulating the rights of parties for the future, but in most cases, as members of Council are aware, when we pass a legislation we always have a saving clause that the Act is not to apply to pending cases. Why do you do that? For the simple reason that it is sound policy that a legislature ought not to interfere with the judiciary; once the judiciary has taken seisin of a case. Kishori Babu's whole object is to have pending cases decided as we in this Council think proper, and not as the Judge thinks proper in whose court it is pending. That is my fundamental objection to this measure.

Now let us see clause 4 of the Bill—"irrespective of whether or not the tenancy has terminated by expiry of the term, or it has been determined by notice, or the suit for ejectment has been instituted before or after the commencement of the Bengal Tenancy Act, IV of 1928." That Act, Sir, came into operation on 21st February, 1929. Now is the Bill giving any compensation to the plaintiff? He was entitled to bring his suit, to prosecute his suit, his suit is pending, it is not finished yet, he has incurred certain costs. If this measure be passed, the suit will be bound to be dismissed. Is there any provision in this Bill for compensating him? Why do you penalise him? He did no wrong in trying to assert his right. He had a right under the old law. He incurred costs in pursuance of the right course in trying to assert his right under the law. Why should he be penalised and not compensated? You have no provision for compensation. If Kishori Babu tries to introduce a clause, a compensation clause, in Select Committee, he cannot do so

because one of the principles of his Bill is dismissal without compensation. Then in section 109 the same retrospective effect is given in the case of settlement of fair rent. Why should we interfere with the revenue authorities before whom the parties have gone to have fair rents settled? As we know, every constitution under the British Empire is built upon three fundamental bases—one is the legislature, the second is the judiciary and the third the executive. These are, in all sound constitutions, separate and distinct from each other, and one ought not to interfere with the others. Here the legislature is interfering with the judiciary; whether that judiciary is civil or revenue, it does not matter. Clause 5 interferes with revenue courts; and clause 4 interferes with civil courts. Then with regard to clause 6, which deals with certificate procedure, the existing law is that—"any landlord, whose land is situate in an area for which a record-of-rights has been prepared and finally published and in which such record is maintained, may apply to Government for this summary procedure." What the mover wants is that not only a landlord in an area where the record-of-rights has been published and maintained but anyone who has got a registered lease containing the necessary particulars of the tenancy may apply. Now, consider the absurdity of the thing. Supposing the lease was executed 20 years ago, what does the lease contain? The lease contains the names of the lessor and the lessee in the first place, secondly the lease contains the particulars as to the property which is being leased, and thirdly the term of the lease, the rent, etc., and then, the covenants—the lessor's covenants and the lessee's covenants—and so on. These are the particulars of the lease. The lease was executed 20 years back. The original lessor is dead and the original lessee is dead. Probably the land, if the land is situate in an area where the rivers are active, has either increased or decreased in extent. Every single particular in that lease may have undergone variation, and yet Kishori Babu will give the parties to that lease the right of the summary procedure. Section 158A is based upon an assumption that when the record-of-rights has been maintained, you have got the latest particulars with regard to a particular land. Who the people are, who are interested in the land, the extent of their interest, their obligations—everything is in the record-of-rights. What will happen in the case of a registered lease executed 20 years back and when practically all the particulars mentioned in the lease have undergone alterations, if 20 years later he comes and applies for the certificate procedure? That cuts across the fundamental principle that you must have an up-to-date record before you can apply for the summary remedy. Here the lease is not and cannot be up-to-date after a lapse of time, and, therefore, the claim for summary remedy is fundamentally wrong. These are the three provisions of the Bill. I have attempted to show that every one of them is objectionable on more grounds than one, and I hope the Council will have no hesitation in throwing it out.

**Rai Bahadur SATYENDRA KUMAR DAS:** I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the end of June, 1935.

Sir, I shall say only one word and that is that the Bill which has been brought forward by my esteemed friend, Babu Kishori Mohan Chaudhuri, appears to be a very complicated one after the statement made by the Hon'ble the Revenue Member. We must have it circulated before the Bill is presented to Select Committee for consideration. In case we pass this motion, then we shall be accepting the principles of the Bill. I must oppose such a proposal of Kishori Babu in presenting this Bill before the Select Committee.

**Mr. SARAT KUMAR ROY:** Sir, the Hon'ble Revenue Member has opposed circulation; and, I also do not think we can support circulation. Hence, if you will allow me, I wish also to follow suit with the——

**Mr. PRESIDENT:** I do not understand what you mean. You can either support the Hon'ble Member or oppose him; both ways are open to you.

**Mr. SARAT KUMAR ROY:** Sir, I have carefully gone through this Bill. From what I find there, I think the object of the Bill is to give retrospective effect to some of the new provisions of law introduced into the Bengal Tenancy Act of 1885 by the amending Act of 1928; the question before us is to consider whether this may be allowed by a further amendment of that Act or not.

Sir, under ordinary circumstances, the legislature should not disturb or destroy the rights of parties accrued to them under the existing law; at least, we should not encourage any attempt to do so unless a strong case is made out in its favour.

Sir, it generally happens that a party acquires the right to eject his *raiyat* under the law, but refrains from doing so out of sympathy for his tenants or for some other similar reasons. I submit that such a conduct is favourable for the *raiyat* and the party so behaving should not suffer by any new law which enlarges the privileges of the *raiyat*. The amending Act of 1928 has made such an enlargement of the rights and privileges of the under-*raiyat* by giving him further protection against improper ejectment. That itself is a special favour to him. Sir, while we look into the proviso to section 48C of the Act as now framed, it will be clear that it provides sufficient safeguard for the under-*raiyat* against unjust ejectment. However justifiable it may be to give the under-*raiyat* this new protection, I am sure that there is no justification to extend its operation retrospectively, when the party to be aggrieved thereby is guilty of nothing else than that of being lenient towards the other party, as I have already shown him to be.

For all these reasons, I think that there is no reason for the change proposed by the Bill; I therefore oppose the motion for circulation.

**Mr. NARENDRA KUMAR BASU:** I had no intention to interfere in the debate, but I must say that the new principles that have been brought into this Council by the speech of my friend, the Revenue Member, compel me to speak. He has been good enough to say that the broad bases on which all constitutions in the British Empire are based are to have the executive, the judiciary and the legislature in water-tight compartments, mutually separate from each other. Unfortunately he knows—no one knows better—that in this country that basis is absolutely wanting. In his own person, Sir, he combines the membership of the legislature, membership of the revenue-judiciary, and membership of the executive. That being the basis on which the constitution of this province is based and is founded, I submit that those principles of English Common Law or of English Jurisprudence which it is refreshing to find brought into this Chamber by my learned friend after a long time —that those canons do not apply to legislations in Bengal. So far as the Bengal legislature is concerned we are always told that in all our Bills we must have certain powers given to the executive to make rules and have sanctions given to those rules. That is to say, we must divest some of our own powers and invest the executive with them. That is the principle, Sir, on which legislation in Bengal under the present system is made. I submit, Sir, that it is much too late in the day to say that the legislature should not interfere with the judiciary in Bengal.

**Maulvi TAMIZUDDIN KHAN:** Much too early.

**Mr. NARENDRA KUMAR BASU:** Much too early, as my friend Maulvi Tamizuddin Khan reminds me. It is much too early because under the new constitution, if it ever comes, you will find it done and done every day. Sir, my submission is that so far as that principle is concerned, there is nothing to be said by this legislature against Kishori Babu's Bill. As regards the provisions of the Bill, Sir, the Hon'ble the Revenue Member has in his inimitable way told us how it might lead to confusion in many cases. Having regard to that, Sir, I submit that the Bill should be sent to a Select Committee, and the Select Committee given power to elicit public opinion on the point, and, if necessary, the date which has been put down by Mr. Chaudhuri might be extended. I think Mr. Chaudhuri is willing to accept a short notice amendment, if brought forward with your leave, to extend the date of the report of the Select Committee till some date in August or September. In that case, the Select Committee might elicit public opinion on the question and see if there are not many cases in which the poor *raiyat* is being—I shall not say, cheated—deprived of his rights on account of the provisions of the Act as it at present stands. As regards the objections of my friend, Mr. Sarat Kumar Roy, he thinks that once the Government Member has opposed the Bill, he does not know how he can support the circulation. I do not subscribe to his view, nor do I think the majority of the members do. But I submit that merely because the

Revenue Member has opposed it, that is no reason why we should nc support the amendment. We have got to see whether the reasons give by the Revenue Member are cogent or not. As a matter of fact, Sir my submission is that enough material has been given both by the move of the Bill and by the opposer to it on behalf of the Government fron bench to make it desirable that this Bill should be considered by th public before it is further considered by this Council.

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I accept the sug gestion that the Bill be circulated and after consulting public opinion it might go to the Select Committee and then settled by this Council.

**Mr. PRESIDENT:** Then you are merely extending the time What date do you propose?

**Babu KISHORI MOHAN CHAUDHURI:** 31st August, 1935.

Rai Bahadur Satyendra Kumar Das's motion being put, a divisior was taken with the following result:—

**AYES.**

Ahmed, Khan Bahadur Maulvi Emaduddin.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzamoo.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Chowdhuri, Maulvi Nurul Absar.
Das, Rai Bahadur Satyendra Kumar.
Haque, Kazi Emdadul.
Maiti, Mr. R.
Rahman, Khan Bahadur A. F. M. Abdur-.
Rahman, Maulvi Azizur.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hemanl.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.
Sulaiman, Maulvi Muhammad.

**NOES.**

Armstrong, Mr. W. L.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Benjamin, Mr. H. D.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chanda, Mr. Apurva Kumar.
Chaudhuri, Khan Bahadur Maulvi Nuffazur Rahman.
Cooper, Mr. C. C.
Cooper, Mr. H. G.
Das, Babu Guruprasad.
Dutt, Mr. C. C.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Guthrie, Mr. F. C.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Hosain, Mr F. T.
Hussain, Maulvi Latafat.
Lockhart, Mr. A. R. E.
Martin, Mr. O. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Mr. Ananda Mohan.
Quasem, Maulvi Abul.
Raheem, Mr. A.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Rai Bahadur Satya Kinkar.
Sen, Rai Sahib Akshoy Kumar.
Sen, Mr. S. R.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deS.

The Ayes being 19 and the Noes 46, the motion was lost.

Babu Kishori Mohan Chaudhuri's original motion was then put in the following amended form and lost:—

"That the Bengal Tenancy (Amendment) Bill, 1934 (Sections 48C, 109 and 158A) be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Revenue Department,

(2) Mr. A. deC. Williams,

(3) Mr. O. M. Martin,

(4) Maulvi Syed Majid Baksh,

(5) Dr. Naresh Chandra Sen Gupta,

(6) Babu Jatindra Nath Basu,

(7) Mr. Sarat Kumar Roy,

(8) Mr. Shanti Shekhareswar Ray, and

(9) the mover,

with instruction to submit their report by the 31st August, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

## The Estates Partition (Amendment) Bill, 1934.

**Rai Bahadur KESHAB CHANDRA BANERJI:** Sir, I beg to move for leave to introduce the Estates Partition (Amendment) Bill, 1934.

The question that leave be granted to Rai Bahadur Keshab Chandra Banarji to introduce the Bill was put and agreed to.

The Secretary then read the short title of the Bill.

**Rai Bahadur KESHAB CHANDRA BANERJI:** Sir, I beg to move that the Estates Partition (Amendment) Bill, 1934, be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Revenue Department,

(2) Mr. O. M. Martin,

(3) Babu Kishori Mohan Chaudhuri,

(4) Mr. A. R. E. Lockhart,

(5) Mr. Sarat Kumar Roy,

(6) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,

(7) Nawabzada Khwaja Muhammad Afzal, Khan Bahadur,

(8) Mr. W. H. Thompson,

(9) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur,

(10) Maharaja Sris Chandra Nandy, of Kasimbazar,

(11) the mover,

with instruction to submit their report by the 15th March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

This is a very simple piece of legislation; it aims at remedying certain defects in the existing law which does not protect a co-sharer proprietor against a designing proprietor who may cause serious inconvenience and mischief to the former in order to save his own interests. The object of the Bill has been set forth in the Statement of Objects and Reasons and I do not propose at this stage to enter into a detailed discussion on the subject.

With these words, I commend my motion to the acceptance of the House.

**Babu KHETTER MOHAN RAY:** Mr. President, Sir, I oppose the Bill. My reasons are these: Though the Bill is a short one, it involves questions of principle and it seeks to modify the principle of partition as laid down in sub-section (3) of section 5 of the Estates Partition Act. Sections 4, 5 and 6 of the Estates Partition Act lay down general principles of partition which should guide the Collector in effecting partition of the revenue-paying estates. These principles are well-established and found by experience to be salutary ones. These are equitable principles of partition and are applicable not only to cases of partition by the Collector but on general principles of equity and good conscience also to all kinds of partition suits in civil courts. In fact, these principles are well tried and found to be equitable and salutary on the whole. But the Bill wants to do away with one of the principles laid down in section 5. If you modify the rule in the way indicated in the Bill, the effect of the principle laid down in sub-section (3) will be gone. Sub-section (3) says that if the interest is a share only in specific lands and *mouzas*, the assets of such lands or *mouzas* are to be determined and the assets of the interest will follow the proportion of the share in such specific lands or *mouzas*. Then lands are to be allotted so as to cover the assets that were determined, from any part or parts of such lands or *mouzas* (not of all lands or all *mouzas* in the parent estate), but not necessarily from all such lands or *mouzas*. If you allow discretion to the Collector to assign lands from any part or part of the lands of the parent estate then sub-section (3) will be practically abrogated. There will be no use for retaining sub-section (3) in the Act. My friend has given one specific instance in which a co-sharer holding biggest share has fradulently assigned his share in the specific land to his son or his near or dear relatives in order to take

advantage of sub-section (3). This is a singular instance of fraudulent act to deprive the other co-sharer of his right to claim the specific land on the ground of vicinity. This act of fraud can be remedied in a civil court, as soon as the partition proceedings are started, by a suit under sections 24 and 25 of the Estates Partition Act for declaration of such a right and for declaring the transfer as fraudulent. If a man sleeps over his right and does not take steps to get it rectified in a court of law, the legislature cannot help him. For these reasons I oppose the motion of Rai Bahadur Keshab Chandra Banerji for referring the Bill to the Select Committee.

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, Government support this measure and I shall state the reasons. It is that in all matters of partition, when a partition is effected in a civil court, the court has got the amplest discretion to effect an equitable partition. It is not correct to say that in every partition suit every bit of property has got to be divided by meets and bounds. Supposing an estate consists of five houses and there are two people between whom the estate is to be partitioned, it is not necessary that each house should be divided into two parts and one part given to one party and the other to the other party. The court may give two of the houses to one party and the three remaining houses to the other party with compensation to the person who gets the two houses, if necessary. That is the principle followed in partition suits. Sir, that discretion and that freedom has not been given to the Collector in partitioning estates. What the Bill seeks to do is to give the Collector a little more discretion in effecting equitable partition; that is the principle of the Bill, and for that reason Government will support it.

**Babu KHETTER MOHAN RAY:** Sir, might I rise on a point of information? Supposing there are three plots of land belonging to the same estate, and one plot is shared by two persons and the other two plots are owned by three or four persons; and if the particular plot which is owned by the two persons is to be partitioned by the court, cannot the court divide it into two equal parts irrespective of the other co-sharers?

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, my friend has put his question in such a confused way that I have been unable to grasp it. Will he please state his query clearly?

**Babu KHETTER MOHAN RAY:** Sir, my point is that if there be an estate consisting of three plots of land, one plot of which is owned by two co-sharers and the other plots are owned by three or four co-sharers in aliquot shares, then——

**The Hon'ble Sir BROJENDRA LAL MITTER:** Sir, I have no understood the question. I would answer him that in such a case i I were a court, or better still if I were the counsel, I would advise th court to follow the principle laid down in Dr. Sir Rash Behari Ghosh' Partition Act, that is, to sell the whole property and divide the sale proceeds.

**Rai Bahadur KESHAB CHANDRA BANERJI:** Sir, I do not thin I can add to what the Hon'ble Member in charge of the Revenu Department has said. He has already explained the principles under lying the Bill. I am sorry that my friend, Babu Khetter Mohan Ray should strike a jarring note at this premature stage. There is no harn in referring the Bill to the Select Committee who will be competen fully to go into the question and submit their report to this Council It will then be time for the members to speak on the amendment pro posed. I do not wish now to dilate further on this matter and I reserv my remarks for the future.

Rai Bahadur Keshab Chandra Banerji's motion was then put an agreed to.

## The Bengal Tenancy (Amendment) Bill, 1933 (Sections 65 and 163)

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I beg to move fo leave to introduce a Bill to amend sections 65 and 163 of the Benga Tenancy Act, 1885.

The motion was then put and agreed to.

The Secretary then read the short title of the Bill.

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I beg to move tha the said Bill be circulated for the purpose of eliciting opinion thereo by the 31st March, 1935.

Sir, in doing so, I may be permitted to explain that this is a measur in which I suggest that in execution of rent decrees the defaultin tenure should be proceeded against first. Of course, under the law i is optional with the *zemindar* either to proceed against the defaultin tenure or to proceed against the other properties—even in some case against the person of the judgment-debtor; but in most cases a rea hardship is felt especially when there are several co-sharers. If one o the co-sharers for reasons best known to himself, abstains from makin payment of his share, the other co-sharers are put to great difficulty i they are to pay the entire sum. The only remedy for these co-sharer is to realise the amount due from the other co-sharers by a contribu tion suit; but in a contribution suit the decree is not a charge on th

property, though in the original suit the rent is a charge on the property, but in a contribution that is not the case. In some cases it so happens that the decree-holder proceeds against the wealthiest person, attaching all his valuable property, and this person is put to great difficulty in realising his dues from his co-sharers, as the same difficulty arises as it is not a charge on the property. So, I think there is a ground for giving relief in such a matter. Therefore, what I suggest is that in execution of rent decrees, the decree-holder should proceed against the defaulting tenure-holder first. Now that the transferable right has been given to the *raiyat*, he can sell away his property; in that case the sale must be given effect to. So the *zemindar* is not put to any serious difficulty about it. But on the other hand, the poor tenants may be put to great difficulty. I think there is no harm in giving this relief to the judgment-debtor. It may be that the tenure is not a very paying concern and if it is put to sale there is no demand for it. But that is no reason that the tenant should surrender. If he surrenders, the *zemindar* is bound to accept it. For that reason a contingency may arise in which the decree-holder may not have the opportunity of realising his dues in any way. The difficulties of the other side ought, I submit, be considered. So, I think Government ought to be sympathetic to the real grievance of the judgment-debtors in such cases.

Sir, there is another suggestion about section 63, which relates to the publication of sale notices in local newspapers or other newspapers. It is not always binding upon the court to do it; only in some cases the court can order for publication of sale notices in newspapers. Recently there was a rule made by the Calcutta High Court on this subject, but the note issued by the Registrar of the High Court practically nullifies the effect of the rule. So, I think that this matter may be considered either by reference to the High Court, or in any other way so that some relief may be granted. I submit that public opinion may be taken on the matter and if there is any real grievance, in that case the matter may be proceeded with. With these few remarks, Sir, I commend my motion to the acceptance of the House.

**Mr. SARAT KUMAR ROY:** Sir, I do not wish to move the amendment which stands in my name. I want to oppose the motion for circulation.

**Mr. PRESIDENT:** Very well.

**Mr. SARAT KUMAR ROY:** I rise to oppose this motion, particularly because of the proposed amendment of section 65 of the Act, which appears to be altogether unjustifiable. In this connection I may be permitted to draw the attention of the mover that the legal

significance of the words "charge" and "mortgage" is not identic and although rent is a first charge on the tenure or holding, for whic the same is due, the landlord to whom such rent is due does not nece sarily stand in the position of a mortgagee. Hence, the disabilitie of a mortgagee—if I may call it by that term—ought not to be throw upon the landlord in such cases.

In the next place, it is well known to this House that in the preser state of economic depression, the market value of all landed interest has materially diminished, so much so that even the value of pe manently-settled revenue-paying estates does not amount to more tha ten or twelve times the income of the property, and in the case o *raiyati* holdings, it hardly exceeds five or six times the rent payable.

Now, Sir, it is also well known that landlords generally wait fo four years before they go to law courts, and it takes at least a year time to get a decree for rent. Consequently, by the time the tenu or holding is sold and the landlord gets possession, the amount due t him, viz., the decretal amount *plus* rent for the subsequent perio might exceed the present market value of the holding. And, co sequently, if the landlord finds that he will fail to realise his dues i full by the sale of the holding, then the landlord will have no oth alternative but to realise his dues by attachment and sale of the tenant movables. Hence, in this respect, the landlord should enjoy freedo as to what steps he should take in the first instance.

If the landlord is debarred from realising his dues by the sale o the tenants' movables in the first instance, as is sought by the Bil and he has to wait till after the sale of the holding, a long time wi necessarily elapse before the movables can be sold, and in the meantim such movables may be disposed of by the judgment-debtor renderin the landlord totally helpless. Just imagine what the position of th landlords would be, if after all his troubles, he finds that his remed for enforcement of his decree has disappeared.

Then, Sir, as regards the other complaint of the mover, viz., diff culties of co-sharer tenants arising out of joint liability, I have to dra his attention to the fact that such difficulty may be removed with th consent of the landlord, as is usually done in such cases. Hence, it not justifiable to put any disability on the landlord on that score.

Moreover, if the mover of the Bill would like to look to the histor of this section, I hope he will find that while this section was inserte many of the stricter remedies of the landlords which they had previousl enjoyed, were abolished and the position of the tenants was improve The present amendment will further enlarge the tenants' advantag to the loss and detriment of the landlord, inasmuch as further difficulti will be thrown in the way of their realising rents, which may and wil I submit, ultimately affect punctual payment of land revenue.

The Hon'ble Member in charge of the Bill has intended that if a landlord realises his decree in full from one of the co-sharer tenants, such co-sharer is put to great difficulty inasmuch as his desire against the other co-sharers is not a charge on the interest of such other co-sharers. But I think this defect might have been cured by amending the section declaring that such dues of the co-sharer tenants also will operate as a second charge on the interest of the defaulters. I would have no objection if the hon'ble mover sought to amend the law in this manner. But inasmuch as the present amendment Bill is concerned, I am opposed to it.

For all these reasons, Sir, I am strongly opposed to the proposed amendment of section 65 of the Act, and as this amendment is the main object of the Bill, I am opposed to it.

**Mr. O. M. MARTIN:** The main provisions of this Bill are found in sections 3 and 4. As regards clause (*3*), I object to it on principle, and as regards clause (*4*), it is superfluous. I would like, Sir, to deal first of all with clause (*3*) which would make it obligatory on a rent decree-holder to proceed in the first place against the defaulting tenure or holding. This is not an entirely new proposal. It was made by Babu Surendra Chandra Sen in a note of dissent on the Report of the Committee appointed in 1921, and it appears that the proposal was considered and rejected by the Committee at that time in the course of their deliberations. I do not think this is the proper time to bring forward a piecemeal amendment on an important point, when the proposal was considered and rejected by the Committee of that time. The objections to such a proposal at that time were that complications might arise, particularly as regards tenures, *e.g.*, landlords might be encouraged to create intermediate tenures as a step towards annulling subordinate tenures. As regards *raiyati* holdings, there existed a strong argument against the proposal in the fact that the *raiyat* has a right to surrender the holding under section 86 of the Act. These were quite strong objections at that time, but the case against clause (*3*) of this Bill has become much stronger owing to the amending Act of 1928 which introduced into the Bengal Tenancy Act clause (*ff*) of section 160, making the right of the *raiyat* at fixed rates to hold at a fixed rent or rate of rent protected interest. This provision, I may remind the Council, was passed in spite of Government opposition. In consequence, it is now open to a tenure-holder to reduce his rentals all round and create protected interests on receipt of *salami*, and then to try to compel his landlord to put his tenancy to sale. Clause (*3*) of the Bill would therefore operate as a direct encouragement to fraud, and although the intention of the mover may be undoubtedly of the best, and although there may be some cases in which hardship results under

the present state of the law, still the arguments against this part of the Bill seem to be insuperable.

As regards *raiyati* holdings, it may be added that it is not desirable from the point of view of either the landlord or tenant to make any change in the law which would increase the number of holdings put to sale in execution of decrees.

Then as regards the superfluity of clause (*4*), it will suffice if I read out a rule which was issued on the 10th of August, 1934:—

"74A. If the issuing court so directs, a concise statement of the proclamation of sale shall, under clause (*d*) of sub-section (*3*) of section 163, also be published in the local official gazette or in a local newspaper or in both, in form No. 13A appended to these rules.

After Form 13 insert the following new form, namely:—

Form 13A."

This rule meets, I think, the main object of clause (*4*) of the Bill. Therefore, Sir, to sum up my arguments, clause (*4*) of the Bill is superfluous, and clause (*3*) is objectionable on principle, as it contains a provision which was already considered in 1921 very carefully by the Committee and rejected, and which, in the present state of the law, is even more objectionable now than it was at that time

**Babu KISHORI MOHAN CHAUDHURI:** Sir, I am sorry that the Government also is in the opposition. This is a very simple suggestion It is suggested that public opinion should be ascertained whether really there is any amendment necessary or not. I do not know under what circumstances the idea suggested by late Rai Surendra Nath Sen Bahadur was rejected It might be that by amending the Act the right of sale was given to the tenant and that might have been some reason. What I suggest is that real difficulty arises in cases where there are co-sharers and all the co-sharers do not join in making payment to the decree. It is suggested by Mr. Sarat Kumar Roy that the contribution decree may be made a charge upon the shares and the co-sharers concerned. It is quite a different thing and whether that should be done or not and what the special advantage of that will be must be considered separately. When the tenure is sought to be put to sale, the easiest course is to proceed against the defaulting tenure. Why should not that be done? At least I am not satisfied on the point. Whether this will mean any hardship may be ascertained by taking public opinion. Why should there be any opposition to that? Sir, that this question was considered once before and it was rejected, that is no reason at all; on the contrary, more cogent reasons might come forward if public opinion be taken. I think that a further amendment, though once rejected, may be taken

into consideration again; there is no harm in that, and I believe that it will give special consideration to the hardships and difficulties I have already suggested and brought to the notice of this legislature.

As regards section 163, I may tell the Council that there is a rule for publication. But I have already brought to the notice of Government that in issuing that rule a note was attached by Mr. Hindley, Registrar of the High Court. In that note there is the power to order publication. In that rule it is directed that the District Judge shall select a local newspaper or newspapers and notify the name or names to the public and the subordinate courts. Thereafter, if any court in the exercise of its discretion orders publication of a sale proclamation under Order 21, rule 67 (2) or rule 74A of the Statutory Rules under the Bengal Tenancy Act in respect of a particular sale, it should be published in one of the newspapers selected by the court from such approved list. A discretion is given to the court first and then by the special note the power to order publication of sale proclamation in the local official gazette or in a local newspaper in addition to the prescribed mode being discretionary, must be exercised on a reference to the particular circumstances of each case, and only when the court is satisfied for reasons to be recorded that such publication would be advantageous as it should be done and no general order for publication in all cases can be given by any court. As section 163 (3) (c), Bengal Tenancy Act, as amended by Act IV of 1926, requires that a concise statement of the order of attachment and sale proclamation shall be sent by the court to the judgment-debtor by registered post, occasions for publication in local newspapers specially in cases of small value should not be nearly so frequent as under the unamended Act. The real difficulty is for the mortgagees and unrecognised purchaser, because it is not only for the benefit of the judgment-debtor that I suggest that any publication should be made in the local newspaper, but it is specially for the benefit of the mortgagees and other unrecognised purchasers that it should be published, and the discretion is to be exercised by court. In the note it is suggested that its special circumstances ought to be seen generally. Without considering all these things, the publication is not ordered and the result is that no publication is made, and it is not known to others, especially those who are really interested in the sale. Here the interest is to protect the sale or to raise the value of the property unsold. That thing is necessary and what they do now is not quite sufficient. Sir, my suggestion is that it should be circulated to the public and they may be given opportunity of giving their opinion. If it is thought necessary, it may be taken into consideration; if it is opposed, of course it will die a natural death. In any case, I think that there is no harm in accepting the suggestion that public opinion should be taken.

Babu Kishori Mohan Chaudhuri's motion was then put and lost.

## The Bengal Public Gambling (Amendment) Bill, 1935.

**Mr. P. BANERJI:** I beg to move for leave to introduce a Bill further to amend the law in force in Bengal relating to public gambling.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

**Mr. P. BANERJI:** I beg also to move that the said Bill be taken into consideration.

Sir, first of all I want to clear up a misunderstanding. There is a considerable misconception about betting and lottery. The existing Act does not prevent gambling in the race course, that is, the race course gambling is legalised. In asking the House to accept my proposal to amend the Act for the purpose of legalising dog race I do not for a moment suggest that the members of the Council should make a new departure, nor do I suggest that the honourable members should do something very wrong either legally or morally. The House will remember that the Hon'ble Member has often told us that the object of the Act is not to encourage gambling. But what do we find in the race course? We find that year after year the receipts from the betting tax are increasing. I find that this year's figure is in the neighbourhood of Rs. 8¼ lakhs, but originally it was only Rs. 5 lakhs. So we are getting from this betting tax about Rs. 8¾ lakhs at 2½ per cent., although we ignore the other side of the ring altogether. We also find that, although gambling is prohibited by the law of the land, it is still going on quite merrily even in the streets of Calcutta. I should like to give you a short description of the surreptitious way in which gambling is going on in Calcutta. In spite of the earnest attempt of the Hon'ble Member and some high police officials to check it, gambling is still going on as before, and unless this gambling is legalised——

**The Hon'ble Mr. R. N. REID:** On a point of order, Sir. I understand that the object of this Bill is to legalise dog races. I do not understand what gambling in general has to do with this Bill.

**Mr. P. BANERJI:** As I have said, gambling is going on in Calcutta in a surreptitious way, and I should like to submit to you a picture or a photograph of a recent incident which occurred only on the 4th of this month.

**The Hon'ble Mr. R. N. REID:** Is that a picture of a dog or what? (Laughter.)

**Mr. P. BANERJI:** It is the picture of a gambling den after police raid.

**The Hon'ble Mr. R. N. REID:** What has that got to do with the dog race?

**Mr. P. BANERJI:** I hope the Hon'ble Member will have patience to hear me out and then come to his own decision. What I was going to submit to you was that gambling dens were still in existence in the country.

**Mr. H. S. SUHRAWARDY:** Where is the evidence?

**Mr. P. BANERJI:** When evidence is wanted by one of the members, I may just state for the information of the House that in the Chinese quarters in Calcutta gambling is going on every day. To come to the incident to which I was referring on the 4th of this month, that is, on the Chinese New Year's Day, the Commissioner of Police, Calcutta, allowed certain clubs, *e.g.*, the Toong Tung Club——

**Mr. PRESIDENT:** I think you are digressing from the real point.

**Mr. H. S. SUHRAWARDY:** That he always does.

**Mr. PRESIDENT:** Order, order. When I am on my legs, nobody is expected to make any observation. My point is that you never implied by the introduction of this Bill that you were going to condemn all forms of gambling or laws that govern them. You must clearly enunciate the principles of your Bill and advance arguments in support of such principles.

**Mr. P. BANERJI:** I submit, Sir, that my point is clear. Betting in the race course is allowed under the existing Act. What I want is to amend that Act in order to legalise dog races. In this connection, may I point out that dog-racing has been introduced all over the world. In November, 1934, an Act was passed in England for the purpose of legalising dog races, and under section 3 (*b*) of that Act a license tax had been imposed on the dog races. On a previous occasion when I wanted to bring forward this matter before the Council, the Hon'ble Member observed that Government could not support such a measure as there was no such law in England. The policy of Government has always been one of complete negation to my proposal. But now that an Act has been passed in England legalising dog races, Government should support this measure of mine. Another reason why Government should support this measure is this: Government at present are very much in need of money, and they have introduced several taxation Bills in this House. But if instead of pushing through their own taxation Bills Government accept my proposal and support this Bill, it will, I am sure bring in more money into their coffers, or at least it

will bring in more money than is at present derived from the betting tax in the race course. There is some misapprehension in the Treasury Bench as well as in the European Group that if this Bill be passed into law, the income from the betting tax will diminish, but I want definitely to maintain that it will not diminish. In spite of the increase in the receipts from the betting tax in the race course, the fact remains that outside betting is still going on. Further, if dog-racing is legalised here as in England and other European countries, the poor people, who will be very badly affected by the proposed tobacco tax and the amendment of the amusements tax, can have something to enjoy in their leisure hours.

**Mr. H. S. SUHRAWARDY:** How do you know that?

**Mr. P. BANERJI:** Sir, I do not like to be interrupted in this way while I am in possession of the House. It is for the House as a whole and not my friend alone to consider this Bill calmly and then come to a decision. Now, Sir, may I with your permission place before the House a detailed description of the surreptitious gambling that is going on in this country?

**Mr. PRESIDENT:** I do not think it is necessary for your present purpose.

**Mr. P. BANERJI:** In that case I do not propose to detain the House further. My only submission is that Government should consider this Bill seriously as it is sure to bring in a substantial amount of money. But if they think that it has hardly any chance of bringing in money at all, then I shall try to convince the House by advancing arguments in support of my contention while replying to the remarks of the Hon'ble Member.

**Mr. SHANTI SHEKHARESWAR RAY:** Sir, at the outset I want to remove a misunderstanding in regard to this Bill which asks the exemption of the dog racing, as horse races are exempted, from the operation of the Bengal Gambling Act as it stands. Personally, Sir, I am not in favour even of horse races; I have never in my life visited a race course; I have never been the owner of a race horse, and I hope that I shall never be the owner of a race horse or bet on race courses. But, Sir, there will always be a difference of opinion between people who support horse races or dog races. There are some people who think it harmless. They do not consider it a sin to bet on race courses, but there are others—and I think among them may be included most of our Mussalman colleagues—who consider it a sin to bet or go to races. But here the question is not whether it is a sin or not but the main question is why, as Government allow horse racing and betting on it,

they should not allow this exemption also in the case of dog races. Sir, it is not only in England and in other countries that dog races are going on, but I think quite recently a dog race was held even in Calcutta. It was held, I think, under the auspices of a well-known institution in aid of perhaps some charity. I think it was under the auspices of the Society for the Prevention of Cruelty to Animals, because I saw a big advertisement on one of the buses belonging to that institution. Now, Sir, I would like further to explain my position in this connection. It is not only with the idea of legalising dog races that this Bill has been brought forward. The basic idea, as my friend has already pointed out, of this Bill is that the Government of Bengal are in desperate need of money and in their distress they have not hesitated to bring forward taxation Bills which are certain to further increase the distress of the poor people of this province. When those Bills come back to this House from the Select Committee it shall be our best endeavour to test the sincerity of Government as regards their solicitude for the poor. We, on this side of the House shall bring amendments asking the Government to omit the tax on -

**Mr. PRESIDENT:** But why should you not reserve your energy for that? (Laughter.)

**Mr. SHANTI SHEKHARESWAR RAY:** I missed the first innings because I was not present in the House when the Bills were sent to the Select Committee, and that is why I am just now seeking an early opportunity to warn the Government of the fate of the Bills when they come back to the whole House.

**Mr. PRESIDENT:** Let us now hear of dog racing. (Laughter.)

**Mr. SHANTI SHEKHARESWAR RAY:** Coming back to my theme, the whole position is this: We shall ask the Government to increase the present rate of tax so far as betting on race course is concerned—whether it is dog race or horse race. Our position is that at present, by taxing at the rate of 2½ per cent., Government get Rs. 8 lakhs; so if they increase it by 10 per cent., Government will get all the money that they expect to get from five taxation Bills. This will be an acid test for Government, and they will have to make their position clear whether they want money from those who can afford to pay or money from those poor people who perhaps would have to pay under compulsion but who cannot pay without further difficulty and hardship.

**Mr. S. M. BOSE:** The Hon'ble mover of this Bill has very kindly suggested to Government a nice way of raising public revenues. Sir, his object is a very laudable one, and I for one would wholeheartedly support the Bill if only he would accept a small amendment. In

clause (2) of the Bill he speaks of dog racing. I would support this Bill if in place of "dog" he would agree to substitute the word "donkey." Many of us, Sir, have seen a donkey race, but none of us has seen a dog race. We are all familiar with donkey races and some of us, Sir, have probably taken part in them, but as regards a dog race I have never heard or seen such a thing.

As regards Mr. Shanti Shekhareswar Ray, he said that he was going to amend the amusements tax by advocating a higher rate for betting, but I am sorry to inform him that it is entirely outside the scope of the Bill, so that cannot be done. Therefore, his object cannot be carried into effect and the only way in which I could support the mover is by his agreeing to substitute the word "donkey" for the word "dog."

**The Hon'ble Mr. R. N. REID:** Sir, when I read the Statement of Objects and Reasons of Mr. Banerji's Bill and his Bill itself I was misled as to the object of his Bill and I must say, Sir, that until you intervened, it took me a good time to realise what Mr. Banerji's object was. I started off by thinking that this was a Bill to legalise dog racing. And, when Mr. Banerji mentioned the word "den" I thought he was approaching the subject of dog-kennels, but my hopes were dashed to the ground. Then he mentioned the Chinese New Year and I hoped that he would give some account of the racing of Pekinese dogs, but he did nothing of the kind. Then he came to his point which was quite a simple one. He does not want to remove the anomaly that he says exists between the treatment of horse racing and dog racing under the Bengal Public Gambling Act; nothing of the sort. He merely wants to use this new method of sport, which is entirely new to Bengal, as a means of raising money. In other words he is quite prepared to debauch the populace by dog racing in order to raise money. Well, Sir, in the first place I find it extremely difficult to reconcile this proposal of Mr. Banerji's with the attitude which he has taken up in regard to another Bill of his, which is on the agenda just now, viz., a Bill to Suppress Private Lotteries, the reason for which, as I take it, is that he objects to exploiting the gambling propensity in human beings in this way, and secondly, the attitude which he most emphatically took up only a year ago in this House when he spoke on his State Lotteries Bill. Members of this House will probably remember that on that occasion he used these words: "By betting on race courses thousands of people are ruined. It is in my opinion the worst form of gambling." That, Sir, was Mr. Banerji's stated opinion 12 months ago and here to-day he asks us to introduce into this province a new form of sport which, if he had read that report to which he referred, carefully, namely, the Report on the Royal Commission of 1932-33, is a form of sport that far more than horse racing, has a tendency,—it is more than a tendency, it is a certainty—to demoralise

the people. That, Sir, is the position as regards the promoter of this Bill. It makes one rather doubt his sincerity in promoting this Bill. Sir, a member of this House who denounced betting in unmeasured terms so short a time ago is now asking us to introduce a new form of sport which undoubtedly will spread gambling all over the country to a far greater extent than it is at present. Government are opposed to this Bill on two main grounds. The first is quite a simple one, namely, that dog racing does not exist as an organised form of sport in this province and there is no point in legalising something which does not exist. I do not believe—so far as my information goes—that it exists as an organised form of sport in any part of India. Madras has no such sport, and I believe that is the case with all the other provinces. In the second place even if there was organised dog racing in this province Government would hesitate long before giving their sanction to it. There is a great deal of public opinion in the country against any form of gambling, and I do not think that public opinion generally will favour the introduction of a fresh form of sport of this sort. I think Mr. Banerji referred to the Royal Commission on Lotteries and Betting which sat in 1932-33 in England, the outcome of which was the English Act of 1934, to which also he referred. Sir, if he had read that report carefully he would have realised that the basis on which the Royal Commission recommended legislation was the manner in which dog racing had spread so widely over England. Up till then horse racing was the chief form of sport on which betting went on. But horse racing, as the Commission pointed out in their report, was held on about 70 principal race courses in England, scattered all over the country, a great many of them at a distance from the main centres of population, and those meetings were mainly attended by people who were primarily interested in sport and not so much by the general populace. The introduction of dog racing changed all that. It is much easier to start dog racing in various places as, for instance, in the neighbourhood of large centres of population. It does not require so much space, apparatus and so on. The result has been that in England it is very widespread indeed, and the effect of it on the populace in general has been, as the Royal Commission discovered, on the whole unfortunate. I can give you a few statistics which will show the difference between horse racing and dog racing in the matter of their prevalence and the number of days they go on. Take for instance the area within a radius of 15 miles of Charing Cross in London. Within that area there are 7 horse race courses which give in the year 187 days racing, that is one every other day. Within the same area there are 23 greyhound tracks which give no less than 4,000 days of racing. This fact does impress upon one the vast difference between the two forms of racing and the vast difference in its effect on the population in general. In England at the present day there are 220 greyhound tracks or three times the number of horse-race courses,

practically all within a close distance of large centres of population. I think it is worth while, while we are on this subject, to refer to the paragraph in the Report of the Royal Commission on Lotteries and Betting, 1932-33, on the effect on the population in general of the facilities for betting which dog-racing has brought about. This is what the Commission say:—

"We heard a considerable volume of evidence tending to show that betting at greyhound tracks was having undesirable social effects. It is unnecessary to repeat the evidence summarised in Chapter IV as to the social effects of gambling generally. But it should be recorded that many witnesses held the view that the enormously increased betting facilities afforded by the spread of greyhound racing, was one of the most powerful causes of the increase in betting.

Among the particular effects brought to our notice, we were informed from several independent sources that betting associated with dog racing had a special attraction for young men and women in poor districts, and that the social results were serious. We were also impressed by the evidence given as to general deterioration of character among young persons in poor neighbourhoods due to the excitement resulting from day to day betting on greyhound races which drove out every other interest." And so on.

That, Sir, was the reason why the English Act was introduced last year in order to exercise some control over the sport of dog racing. The conditions in this country are entirely different from those in England; and as dog racing does not exist here, I think it is much better to take no steps to encourage it. I venture to think, Sir, that this Bill should have little support in this Council. Government will anyhow oppose it, and they will not certainly accept this Bill as an alternative means of raising revenue.

**Mr. P. BANERJI:** Sir, the Hon'ble Member in charge has referred me and the members of this House to the Report of the Royal Commission. That, I submit, is a very old story, because for the last 3 years I have found that the Hon'ble Finance Member, who is not present here, always referred to that book while speaking on behalf of the Government against my motion. But now that the Act has been passed, it should be considered as an authority and not certainly as the old Report of the Royal Commission.

Sir, the Government have opposed my Bill on two valid grounds, none of which I consider to be tenable. Government say that one of the main reasons against the introduction of dog racing is that there is no dog racing in existence here, and that therefore it cannot be allowed. It was not in vogue in England before, but it has been legalised there. Does it not stand in the fitness of things that it should

be legalised in this country? If this is done, what will happen? The people here will get an opportunity of enjoying dog racing in the race course.

Mr. Shanti Shekhareswar Ray, in supporting my motion, has already pointed out that on the 23rd of this month dog racing was held in the Belvedere Fête. It may be true that it was held in aid of charity and in the presence of distinguished persons. Therefore, if it is legalised, my point is what difficulties will arise? Now, Sir, I think I must have been thoroughly misunderstood The Hon'ble Member in charge found nothing in my arguments and he gave us two arguments which I submit will not absolutely stand the light of day.

The second reason advanced by Government is that Government hesitate to give sanction, because if it is sanctioned, it must be against public opinion. May I inquire, Sir, if the Hon'ble Member cares at all for public opinion? (Laughter.) Does he not know, Sir, that race course gambling is also a sort of gambling? If public opinion is taken on the matter, you will find, Sir, that the majority of the people of this country will go against this form of gambling also But the race course gambling will be kept intact, because though it is unpalatable I should question the sincerity of the Hon'ble Member in charge who has questioned my sincerity

Sir, when I introduced my last Bill relating to State Lotteries, Government would not accept it, because they said that it was an act of immorality. I might point out that lottery is quite distinct from betting, because it is not gambling At that time the Hon'ble Finance Member, who replied and who is not here to-day, has now entrusted the fight to another Hon'ble Member--I mean the Home Member. Otherwise, I could have pointed out the inaccuracies of the Hon'ble Member who has just replied from the very same book referred by the Hon'ble Sir John Woodhead The Hon'ble Mr. Reid's reply is full of inconsistencies. He has told us that the English legislation has removed the anomaly. Is it not anomalous that when the law has been passed in England—and when you always swear by the law of England—why should it not be passed here also?

The Hon'ble Member has further said that even if the Bill is passed, Government will refuse to give sanction in this province. Why? The reason is obvious. I must say that most of the members of the Government are members of the Royal Calcutta Turf Club, and they are vitally interested in the matter and if any other forms of betting are allowed, their income will be decreased. In passing, I may mention, Sir, that the Hon'ble Member referred to two Bills on the anvil just now, but they are of two different classes, and I would explain their purposes later when the time comes As regards this particular Bill, may I enquire whether besides the two valid arguments advanced if

there are any further arguments? Perhaps, nothing more. I do not suggest for a moment that I want to encourage gambling. All that I want is that if it is inevitable, it should be kept under control and legalised. From my experience of the streets of Calcutta I can say without fear of contradiction that surreptitious and unlegalised forms of gambling go on. I want to check them in order to help our bankrupt Government by getting some money by legalising them, instead of imposing additional taxation on the poor man's tobacco and recreation after a week's labour in the cinema. From that point of view I have always been consistent. Government would not accept my proposal and said "No," because it is against the principle of Government to encourage gambling or to raise money by exploiting the gambling instinct of the people. That is not the fact, because it is going on and if it goes on, why should you not legalise it and find new sources of income so that the Government may carry on as merrily as ever without any restriction whatever?

With these observations, Sir, I commend my motion to the acceptance of the House.

(The Council was at this stage adjourned for 15 minutes.)

(After Adjournment.)

Mr. P. Banerji's motion being put, a Division was taken with the following result:—

**AYES.**

Bal, Babu Lalit Kumar.
Banerji, Mr. P.
Chaudhuri, Dr. Jogendra Chandra.
Kasem, Maulvi Abul.
Lockhart, Mr. A. R. E.
Poddar, Mr. Aurada Mohan.
Poddar, Seth Hanuman Prasad.
Ray, Mr. Shanti Shekhareswar.

**NOES.**

Afzal, Nawabzada Khwaja Mohammad, Khan Bahadur.
Ahmed, Khan Bahadur Maulvi Emaduddin.
Bimedy, Mr. E. N.
Bose, Mr. S. M.
Bosjamia, Mr. H. D.
Chanda, Mr. Aparna Kumar.
Chaudhuri, Khan Bahadur Maulvi AHmuzzaman.
Chowdhury, Maulvi Abdul Ghani.
Cooper, Mr. C. C.
Cooper, Mr. H. R.
Das, Babu Suruprasad.
Dutt, Mr. B. S.
Eusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Nawab K. R. M., Khan Bahadur.
Fazlullah, Maulvi Mohammad.
Gilchrist, Mr. R. K.
Gladding, Mr. D.
Guthrie, Mr. P. C.
Hakim, Maulvi Abdul.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hodge, Mr. J. D. V.
Homan, Mr. F. T.
Hussain, Maulvi Mohammad.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Martin, Mr. C. M.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Norton, Mr. H. R.
Quasem, Maulvi Abul.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur-.
Ray, Babu Rajendra Narayan.
Reid, the Hon'ble Mr. R. R.
Ross, Mr. J. B.
Ray, the Hon'ble Sir Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Roy Choudhuri, Babu Nem Chandra.
Sen, Mr. B. R.
Shah, Maulvi Abdul Hamid.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Walker, Mr. R. L.
Wilkinson, Mr. H. R.
Williams, Mr. A. deC.

The Ayes being 8 and the Noes 47 the motion was lost.

**The Bengal (Rural) Primary Education (Amendment) Bill, 1935.**

**Maulvi ABDUL HAMID SHAH:** I beg to move for leave to introduce the Bengal (Rural) Primary Education (Amendment) Bill, 1935.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

**Maulvi ABDUL HAMID SHAH:** I beg to move that the said Bill be circulated for the purpose of eliciting opinion thereon by the 15th March, 1935.

**The Hon'ble Khan Bahadur M. AZIZUL HAQUE:** May I interrupt at this stage and request my friend that if he will accept the amendment moved by Mr. Sarat Kumar Roy that opinions be received by the 30th June instead of 15th March, much trouble will be avoided, as it will be impossible to have it ready by the 15th March?

**Maulvi ABDUL HAMID SHAH:** I beg to move that the said Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1935.

**The Hon'ble Khan-Bahadur M. AZIZUL HAQUE:** I want only to express this much that Government consider that any piecemeal legislation is not at all desirable. But as the Bill is only intended to elicit public opinion Government do not intend to oppose it at this stage.

The motion in its amended form was then put and agreed to.

**The Bengal Municipal (Amendment) Bill, 1935.**

**Maulvi ABUL KASEM:** I beg leave to introduce a Bill further to amend the Bengal Municipal Act, 1932.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

**Maulvi ABUL KASEM:** I don't move the next item, but I want to say at this stage that I am willing to accept the amendment moved by the Hon'ble Minister for Local Self-Government.

**Mr. PRESIDENT:** You do not seem to realise that unless you move your motion an amendment cannot be moved.

**Mr. S. M. BOSE:** On a point of order, Sir. The Bill has only come to us to-day.

**Maulvi ABUL KASEM:** On a point of explanation, Sir, this Bill was sent to every member in the last session.

**Mr. P. N. CUHA:** I never got it.

**Mr. S. M. BOSE:** Many have joined since the last session.

**Mr. PRESIDENT:** The mover of the motion assures me that copies of this Bill were circulated to the members of the House last session and that copies were available to the members in this session. Besides, he has already indicated that he would not oppose the motion for circulation. I think the House will agree with me that in these circumstances I shall be justified in the exercise of my power to suspend the relevant order and allow the motion to be moved.

**Rai Bahadur SATYENDRA KUMAR DAS:** May I at this stage be permitted to make a speech?

**Mr. PRESIDENT:** I think you have given notice of an amendment for circulation.

**Rai Bahadur SATYENDRA KUMAR DAS:** I do not intend to move my amendment, Sir, but I want to speak opposing the motion of Maulvi Abul Kasem.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I am not quite clear on the point, Sir. Is the hon'ble member opposing the original motion or moving his motion for circulation?

**Rai Bahadur SATYENDRA KUMAR DAS:** I am not moving my amendment, Sir. I am opposing the other motion.

**Mr. PRESIDENT:** In that case, I think the best course will be to allow the Hon'ble Minister to move his motion, and then you can speak on both the motions.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1935.

**Rai Bahadur SATYENDRA KUMAR DAS:** Mr. President, Sir, I rise to oppose the original motion of Maulvi Abul Kasem as well as the motion for circulation moved by the Hon'ble Minister. The mover of the original motion has got threefold objects for moving his motion.

First, he wants to enfranchise the bullock-cart owners. Secondly, he wants to make the ratepayers voters. Thirdly, he wants to revise the voting qualifications in municipal areas. Sir, bullock-cart owners really have no stake in the municipalities and almost always remain outside municipal areas. This amendment of my hon'ble friend seeks to give them the power which, I think, they cannot judiciously exercise, because they have no stake in municipal areas. Secondly, according to the provisions of the new Act, the ratepayers are not supposed to pay the occupier's share of taxes. On account of the present economic depression, Sir, some of the occupiers even cannot pay rents, not to speak of taxes. So, the ratepayers are not taxpayers, as has been said by the mover of the motion. If you want to enfranchise them, there are other qualifications—I mean the educational, business, etc.—by virtue of which these ratepayers may become voters. Regarding the plurality of voting, this Council has already discouraged that because that goes against the principles of democracy. Sir, section 19 of the Bengal Municipal Act provides reservation of seats in the case of those municipalities where the community of my friend is in a minority. Sir, I could have sympathised with the mover if he could forego the reservation of seats for his community. But he seeks both, and I do not think we can support him. Sir, the present Municipal Act provides enfranchisement rather liberally, and I see no reason why we should agree to such an unreasonable amendment. His apprehension regarding the proper representation for his community is baseless, as every member of this House including the members of the Treasury Benches know that their case has been considered favourably. As the reservation is already there, he should not have been overzealous in bringing forward a motion like this.

**Mr. S. M. BOSE:** Sir, I am sorry I have got to oppose this motion. I am entirely opposed to any amendment to section 17(*2*) as proposed in sub-clause (*4*) of this Bill. Sir, plural voting has been abolished. It is long, long out of date. It is against all principles of democracy, namely, "one man, one vote." One can only vote for one candidate. The system of plural voting has been abolished, and there is no reason why we should advance in the rear and bring in something which has long been out of date everywhere. I, therefore, oppose this motion.

The Hon'ble Sir Bijoy Prasad Singh Roy's motion was then put and agreed to.

**Rai Bahadur SATYENDRA KUMAR DAS:** Sir, I beg to move for leave to introduce the Bengal Municipal (Amendment) Bill, 1935.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

**Rai Bahadur SATYENDRA KUMAR DAS:** I beg also to move that the said Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Minister-in-charge of the Local Self-Government Department,

(2) Mr. G. S. Dutt,

(3) Rai Bahadur Keshab Chandra Banerji,

(4) Babu Khetter Mohan Ray,

(5) Mr. Ananda Mohan Poddar,

(6) Mr. S. M. Bose,

(7) Babu Jatindra Nath Basu,

(8) Babu Hem Chandra Roy Choudhuri,

(9) Mr. Sarat Kumar Roy,

(10) Maulvi Abdul Ghani Chowdhury,

(11) Maulvi Abdus Samad, and

(12) the mover,

with instruction to submit their report by the end of March, 1935, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, this is an urgent piece of legislation which is essentially necessary for the better administration of the municipalities. At this fag end of the day, it is not necessary to tire the patience of the House by giving a speech because the object of the Bill is already stated in the Statement of Objects and Reasons. With these words, Sir, I move my motion.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1935.

The Hon'ble Sir Bijoy Prasad Singh Roy's motion was then put and agreed to.

## The Bengal Suppression of Private Lotteries Bill, 1935.

**Mr. P. BANERJI:** Sir, I beg to move for leave to introduce a Bill to stop private lotteries in Bengal.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

**Mr. P. BANERJI:** I beg also to move that the Bengal Suppression of Private Lotteries Bill, 1935, be taken into consideration.

Sir, my object in moving this Bill is obvious. You are aware, Sir, that the Hon'ble Mr. Reid has asked me the reasons for my tabling motions for two Bills which are of an identical nature. You are also aware of the fact that when I asked the Government to give sanction to my motion relating to the Bengal State Lotteries Bill, Government stated: "Lotteries cannot be encouraged," but, Sir, it is well known that there are many clubs existing in Calcutta—the Turf Club, the Rangers' Club, the Portuguese Club and others—that are running sweepstakes which are but one form of gambling. You are aware, Sir, that there is also a good number of cases of similar offences which are brought before the courts and the people concerned are punished, but when I put a question in this House some time ago, the late Sir William Prentice, the then Member in charge, replied that Government were not aware of the existence of private lotteries in Bengal. As I have mentioned in this Bill, it is an open secret that though these clubs are going on merrily and are earning lakhs of rupees illegally by running sweepstakes, they are never brought to book by the police. With the object of removing this anomaly, Sir, I have brought this Bill before this House, and I have given the names of several clubs that are running lotteries. Sir, it might be said by Government that they are private lotteries, but nowhere in the Act it is stated that private lotteries are to be exempted. No lottery, whether public or private, can be run without the sanction of Government, and Government have always said in reply to questions put in this House that they never gave any sanction to any club for running lotteries. My grievance, therefore, is that though there are certain clubs which are allowed to run lotteries, there are others where the people concerned are punished for the same offence. I can give one instance of recent occurrence where several persons were punished with imprisonment varying from one to three years.

Sir, most of the members present want to finish our business to-night, and I do not wish to detain them by dilating my points further. But I should like to hear the position of the Government explained as to whether Government have permitted certain clubs to run sweepstakes and whether they have exempted certain clubs and persons from the operations of the Gambling Act by allowing them to earn lots of money by running sweepstakes—a practice which is against the law—while they have penalised other persons for the same offence and have sent them to jail. After hearing the Hon'ble Member in charge, Sir, I shall exercise my right of reply, if necessary.

With these words, Sir, I commend my motion to the acceptance of the House.

**Mr. SHANTI SHEKHARESWAR RAY:** Mr. President, Sir, I support the motion of my friend Mr. P. Banerji. He has already explained the reason that prompted him to bring forward a Bill of this nature. Sir, the attitude of the Government of Bengal in this matter has been rather very strange. When Mr. Banerji brought his State Lotteries Bill one of the members on the front Treasury Benches—I believe it was Sir John Woodhead—opposed the Bill on the ground that the Government did not intend to support State lotteries because it would encourage the gambling propensities of the people. Very innocently he remarked that the Government policy was always against encouraging lotteries. I do not recollect the exact words he used, but if I can trust my memory that was the line of his argument. Mr. Banerji cited instances after instances of the sweepstakes that are being run in this country. A member on behalf of Government—a member of the Treasury Benches—expressed ignorance of the existence of such lotteries. Mr. Banerji gave him details of how the lotteries promoted outside India were being patronized and supported by people in this country, but Government could do nothing to stop these lotteries. I do not know the real reasons of such an attitude on the part of Government. Apparently, the Government of Bengal do not derive any income or gain anything from such lotteries that are held in this country, but still there is a certain amount of indifference on their part either to stop these lotteries or to bring these lotteries under control. That is the attitude, that is the frame of mind that must be opposed. Sir, if the Government of Bengal really believe that these lotteries are harmful, then they should stop all such lotteries whether they are carried on under the patronage of Britishers, whether they affect the interest of certain Britishers in the country, or whether they are carried on by Indians. The attitude of the Government of Bengal is likely to be interpreted by the people of this country as one of racial discrimination and racial partiality. If the Government of Bengal want to disabuse the people of this country of such a notion, it is for them to take a bold stand, and it is for them to deal rigorously with the Calcutta Turf Club, a club that carries on a lottery on a large scale ostensibly as a private body, but which as a matter of fact is open to all who want to purchase a ticket.

**The Hon'ble Mr. R. N. REID:** No, no.

**Mr. SHANTI SHEKHARESWAR RAY:** The Hon'ble the Home Member denies it. I do not know what is the meaning of this denial. Sir, lakhs of rupees are raised in connection with this lottery by the Calcutta Turf Club and does he mean to say that all that money is subscribed by the few members of the Calcutta Turf Club? This denial on the part of Government is, I shall not say, shameful, as one of my friends suggests, but I will simply say that it is not meant to be taken

as a denial. As I have already suggested the Government of Bengal have only one course before them if they are to refute the charge of racial partiality, which I may be tempted deliberately to make on the floor of this House unless the Government Member is good enough to give a reasonable explanation of the attitude of Government in this matter.

**The Hon'ble Mr. R. N. REID:** Sir, the general desire to close these proceedings has been intensified during the last few minutes by a rise in temperature, and I shall therefore be as brief as I can. Mr. Banerji's Bill aims at suppressing private lotteries, and he has stated that as Government is averse to private lotteries he has therefore set out to help the Government by his Bill. As far as I could gather from his speech just now, his chief grievance seems to be that there is some discrimination in the way in which certain people who run lotteries are treated as against the way in which others are treated, with the result that some are rotting in jail while others, in his opinion equally guilty, are still at large.

What I would like to take as my text is the document which Mr. Banerji seems to have studied so carefully, namely, the Report of the Royal Commission of 1932-33, on which the Act of 1934, to which he referred before, was founded. The view which the Royal Commission took as regards the criminal law of gambling was that it should be concerned with restricting the exploitation for commercial purposes of the gambling propensity in human beings. Before the Bill of 1934 was passed in England, it was the custom for the Home Office to issue instructions to their police officers to, so to say, wink at private lotteries, which were decently conducted, and which were generally not calculated to lead to fraud on the public or were not conducted on such a scale as to take the form of a nuisance. Mr. Banerji will perhaps be surprised to know that the English Act, to which he referred also in another connection, and that with approbation, makes private lotteries legal under certain conditions. Those conditions are briefly these:—

That the whole proceeds, less expense of printing and stationery, are to be devoted to prizes or subjects cognate to the purposes of the society concerned.

That there should be no advertisement.

That prices of tickets should be uniform and stated on their face.

That they should be promoted by a genuine club or society.

That no tickets will be issued except through a member.

That no tickets be sent by post.

As a matter of fact, that has roughly been the principle on which Government has gone in the past and that is also our attitude at present

towards private lotteries. That is to say, provided that these lotteries are run by bonâ fide clubs not constituted purely for the purpose of running lotteries and provided that they are conducted through the members of the club (which is the case, I may say, of the Royal Calcutta Turf Club sweeps—they are not advertised in any public manner, which is a distinction which I think Mr. Banerji has missed), provided that it is on such a scale as not to lead to widespread gambling and, further, provided that there is no reasonable chance of fraud on the public, then Government consider that there is no real harm in allowing this not very harmful outlet for the gambling propensities in mankind. It is surely common-sense to recognise that every human being likes a flutter now and then, but provided that the conditions are such as to prevent fraud and the sweeps are not conducted on an unduly large scale, then there is no very great harm in it. I am not here, Sir, defending betting and gambling on high moral grounds. I am simply taking what I believe the common-sense point of view, and I do not believe for a moment that the public or the Government would gain anything by attempting to suppress private lotteries as this Bill sets out to do.

These are the general principles, which I am afraid I have had to put rather hurriedly before the House, on which Government have worked and on which they intend to continue to work. When the lotteries are run in such a way as to offend against those principles, then the Commissioner of Police or the police in the districts as the case may be steps in, and I have no doubt that the unnamed cases which Mr. Banerji mentioned to-day are cases of persons who were found guilty of starting fraudulent lotteries. I beg to oppose the motion, Sir.

**Mr. P. BANERJI:** Sir, I am glad that the Hon'ble Member on behalf of Government has now climbed down a little, whereas his attitude before was quite different, as I pointed out in my speech while introducing my Bill. That attitude was that Government did not even recognise the existence of lotteries in Calcutta. Now the Hon'ble Member says that following the example recently made in England where private lotteries have now been legalised by a recent Act he has softened a little. I know of that Act, Sir, and that Act is now before me. Now, Sir, my objection, as I have already pointed out—why not say so in so many words? Why, when the law allows it, you should think it unreasonable? Why do you give sanction to these clubs to conduct sweepstakes? Government would not do that. Government's only reply is that these things are allowed here as they were originally allowed in England. It is stated that the Government of England used to give private directions to the police officers and if those officers

found that certain clubs could run these sweepstakes in a reasonable way and without any fraud, these stakes were allowed. Do you think that this is a tenable position especially in a country like Bengal. Our grievance is, and we have often stated it on the floor of this House, that the police here is more corrupt than the police in England. There is no denying this fact that this will give an additional handle to the police. Sir, I will not mention the names of the persons here, but I would mention them to the Hon'ble Member in private, because the time is short and we all want to finish. I will mention the matter when the Police Budget is discussed, all particulars of the offences and the circumstances for the same action—one person is rotting in jail and the other is enjoying with his two pockets full. Why not legalise it and say that such and such clubs can carry on sweepstakes? It lies with the option of Government to do that. Otherwise, there will be a loophole for corruption on the part of the police which must be stopped. That is my point, Sir; either it must be stopped altogether or as the law stands. The Hon'ble Member wants always to stand by the law recently passed in England, or it must be legalised. He speaks and acts according to his own choice. I got the English Act long ago, and I went through all the sections of the Act and I know very well how to consult all these Acts. I have also tabled another Bill and let the position of Government be scrutinised afterwards as regards it. In that Bill I have followed the principle of the English Act, and I hope that Government will have the pleasure of supporting it.

With these words, I commend, Sir, my motion to the House.

Mr. P. Banerji's motion was then put and lost.

**Mr. P. BANERJI:** On a point of order, Sir. I stood up and asked for a division.

**Mr. PRESIDENT:** You stood up, but you never called for a division.

**Mr. P. BANERJI:** Yes, Sir, I did so. (Cries of "No, no.")

### The Bengal Race Course Betting Bill, 1935.

**Mr. P. BANERJI:** Sir, I beg to move for leave to introduce a Bill to provide for the betting on horses and dogs and for purposes connected with the matters aforesaid.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

## The Bengal Wakf (Amendment) Bill, 1935.

**Maulvi ABUL KASEM:** Sir, I beg to move for leave to introduce a Bill further to amend the Bengal Wakf Act of 1934.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

## Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 6th March, 1935, at the Council House, Calcutta.

B. G. Press—1935-36—[illegible]A—[illegible].

# Index to the
# Bengal Legislative Council Proceedings.

## (Official Report.)

### Vol. XLV—No. 1—Forty-fifth Session.

### 11th to 14th, 18th to 20th, 22nd and 25th to 28th February, 1935.

(Q.) Stands for unstarred question.

(S. Q.) Stands for starred question.


**bduction**

Cases in Bengal, (S. Q.) pp. 309-313

**bdur-Rahman, Khan Bahadur A. F. M.**

General Discussion of the Budget, 1935-36, pp. 430-431

**bcidants**

During Howrah Bridge openings, (S. Q.) p. 118.

**djournment**, pp. 57, 114, 165, 208, 256, 300, 336, 348, 370, 410, 453, 504

**hmed, Khan Bahadur Maulvi Emaduddin**

General Discussion of the Budget, 1935-36, pp. 433-435

Village Self-Government (Amendment) Bill (1934), 1935, pp. 253, 288

**lcohol**

Industrial use of, (S. Q.) p. 117.

**li, Maulvi Hassan**

Dinajpur Thermo-medical Laboratory, (S. Q.) pp. 166, 167.

**ppendix (Budget)**, pp. 347-348.

**rmstrong, Mr. W. L.**

Mr. Cecil Parker, Assistant Colliery Manager, South-East Baraboni Colliery (S. Q.), pp. 66-67.

**Baksh, Maulvi Syed Majid**

Arrangements during the Howrah Bridge openings (S. Q.), p. 169

Bengal Electricity Duty Bill, 1935, pp. 100-101

Bengal Tobacco (Sales Licensing) Bill, 1935 pp. 175-176.

Bengal Village Self-Government (Amendment) Bill, 1931, pp. 225-226, 229, 232, 233

Building for the Munsif's Court, Dacca, (S. Q.) p. 59

Cost for survey and settlement operations (Q.) p. 352

Eden Canal (S. Q.) p. 65.

Facilities for Jumma prayers in the Government educational institutions, (S. Q.) pp. 58, 59.

General Discussion of the Budget, 1935-36, pp. 386-387, 388-389

Importation of foreign butters, (S. Q.), p. 117

Mr. Cecil Parker, Assistant Colliery Manager, South-East Baraboni Colliery, (S. Q.) p. 67.

Third class female waiting room at the Khulna railway station, (Q.) p. 339.

Typists and copyists of the Pabna District Judge's Court, (Q.) p. 122.


Gratis.

**anerji, Mr. P.**

Appointment of Audit Inspector of the Calcutta Port Trust, (S. Q.) pp. 209-210.

Appointment of Mr. Hogan as a Yard Master in the Calcutta Port Trust, (S. Q.) pp. 169-170, 172.

Assistant river surveyors of the Calcutta Port Trust, (S. Q.) pp. 455-456.

Bengal Electricity Duty Bill, 1935, pp. 81-83.

Bengal Public Gambling (Amendment) Bill, 1935, pp. 486, 487-488, 492-494.

Bengal Race Course Betting Bill, 1935, p. 503.

Bengal Suppression of Private Lotteries Bill, 1935, pp. 498, 499, 502-503.

Bengal Tobacco (Sales Licensing) Bill, 1935, pp. 149-150.

Bengal Village Self-Government (Amendment) Bill, 1934, pp. 226, 227

Civil disobedience prisoners, (S. Q.) p. 61.

Court-fees (Bengal Amendment) Bill, 1935, pp. 125-126.

General Discussion of the Budget, 1935-36, pp. 402-405.

Political prisoners in the Midnapore Central Jail, (S. Q.), pp. 305-306.

**nerji, Rai Bahadur Keshab Chandra**

Bengal Tenancy (Amendment) Bill, 1934 (Section 148), p. 464.

Estates Partition (Amendment) Bill, 1934, pp. 477-478, 480.

General Discussion of the Budget, 1935-36, pp. 416-418.

Handloom industry of Bengal, (S.Q.) pp. 459, 460.

**rma, Babu Premhari**

Bengal Amusement Tax (Amendment) Bill, 1935, p. 205.

Bengal Tobacco (Sales Licensing) Bill, 1935, pp. 182-184.

**Barma, Babu Premhari**

Cost for survey and settlement operations, (S.Q.) p. 352.

Survey and settlement costs in Dinajpur district, (S.Q.) p. 460.

**Barma, Rai Sahib Panchanan**

Bengal Tobacco (Sales Licensing) Bill, 1935, pp. 162-164.

**Basu, Babu Jatindra Nath**

Bengal Electricity Duty Bill, 1935, pp. 88-89.

Cottage industries, (Q.) p. 353.

**Basu, Mr. Narendra Kumar**

Abduction cases in Bengal, (S. Q.), p. 313.

Arrangements during the Howrah Bridge openings, (S.Q.) p. 169.

Bengal Electricity Duty Bill, 1935, pp. 80, 105-108.

Bengal Tenancy (Amendment) Bill, 1934, (Sections 18C, 109 and 158A), pp. 475, 476.

Bengal Tobacco (Sales Licensing) Bill, 1935, pp. 150-151, 152-153, 164.

Bengal Village Self-Government (Amendment) Bill, 1934, pp. 236, 243-244, 248-249, 250, 253-254.

Calcutta Port Trust contracts, (S.Q.) pp. 214, 215.

Civil disobedience prisoners, (S. Q.), p. 61.

Court-fees (Bengal Amendment) Bill, 1935, pp. 129-130, 364, 369, 370.

Eden Canal, (S. Q.), pp. 65, 66.

Firing by the Police at Kendua near Suri (Birbhum), (S. Q.), pp. 306, 307, 308.

Indian Stamp (Bengal Amendment) Bill, 1935, pp. 194-195.

Political prisoners in the Midnapore Central Jail, (S.Q.) p. 306.

Public Prosecutor of Mymensingh, (S. Q.) p. 304.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 257, 259-260, 277, 278, 279-280, 319, 323-326.

**Bengal**

Distilleries for sugar mills in, (S.Q.) p. 301.

Salt industry in, (Q.), p. 341.

**Bharadia-Dighirpar Khal Project in Kishoreganj,** (Q.) p. 339

**Bill(s)**

Albert Victor Leper Hospital, 1934, (S.), pp. 217-223, 351.

Bengal Amusement Tax (Amendment), 1933, pp. 203-208.

Bengal Development, 1935, p. 217.

Bengal Electricity Duty, 1935, pp. 77-114.

Bengal Ferries (Amendment), 1934, pp. 461-463.

Bengal Municipal (Amendment), 1935, 1935, pp. 495-498.

Bengal Public Gambling (Amendment), 1935, pp. 186-194.

Bengal Race Course Betting, 1935, p. 503.

Bengal (Rural) Primary Education (Amendment), 1935, p. 495.

Bengal Suppression of Private Lotteries, 1935, pp. 498-503.

Bengal Tenancy (Amendment), 1933 (Sections 65 and 163), pp. 480-485.

Bengal Tenancy (Amendment), 1934 (Sections 48C, 109 and 158A), pp. 468-477.

Bengal Tenancy (Amendment), 1934 (Section 148), pp. 463-468.

Bengal Tobacco (Sales Licensing), 1935, pp. 145-165, 172-193.

Bengal Village Self-Government (Amendment), 1934, pp. 223-256.

Bengal Wakf (Amendment), 1935, p. 504.

Court-fees (Bengal Amendment), 1935, pp. 124-145, 172, 354-370.

**Bill(s)**

Estates Partition (Amendment), 1933, p. 461.

Estates Partition (Amendment), 1934, pp. 477-480.

Indian Stamp (Bengal Amendment), 1935, pp. 193-203.

Village Self-Government (Amendment), (1934), 1935, pp. 257-300, 317-330.

**Bose, Mr. S. M.**

Assistant river surveyors of the Calcutta Port Trust, (S. Q.) p. 457.

Bengal Electricity Duty Bill, 1935, pp. 92-95.

Bengal Municipal (Amendment) Bill, 1935, pp. 495, 496, 497.

Bengal Public Gambling (Amendment) Bill, 1935, pp. 189-190.

Bengal Tenancy (Amendment) Bill, 1934 (Section 148), p. 464.

Bengal Village Self-Government (Amendment) Bill, 1934, p. 227.

Bengal Village Self-Government (Amendment) Bill (1934), 1935, pp. 330-331.

Calcutta Port Trust Contracts, (S. Q.) p. 215.

Court-fees (Bengal Amendment) Bill, 1935, pp. 140-141.

General Discussion of the Budget, 1935-36, pp. 422-425.

**Budget**

General Discussion of the, 1935-1936, pp. 371-410, 413-453.

Of the Government of Bengal, 1935-1936, pp. 341-346.

**Butter**

Importation of foreign, (S. Q.) pp. 116-117.

**Calcutta High Court Rules Committee,** (Q.) pp. 123-124.

**Calcutta Port Trust**

Appointment of Audit Inspector of the, (S. Q.) pp. 209-210.

Appointment of Mr. Hogan as a Yard Master in the, (S. Q.) p. 169.

Assistant river surveyors of the, (S. Q.) pp. 455-457.

Contracts, (S. Q.) pp. 212-216.

**Chatterjee, Mr. B. C.**

Village Self-Government (Amendment) Bill (1934), 1935, pp. 290-292.

**Chaudhuri, Babu Kishori Mohan**

Bengal Tenancy (Amendment) Bill, 1933 (Sections 66 and 163), pp 480-481, 484-485.

Bengal Tenancy (Amendment) Bill, 1934 (Section 148), pp 463, 466-468

Bengal Tenancy (Amendment) Bill, 1934 (Sections 48C, 109 and 158A), pp 468-471, 476.

Bengal Village Self-Government (Amendment) Bill, 1934, pp. 235-236.

Court-fees (Bengal Amendment) Bill, 1935, pp. 138-140.

Court-fees (Bengal Amendment) Bill, 1935, pp 360, 366, 367, 368, 369

Estates Partition (Amendment) Bill, 1933, p 461.

General Discussion of the Budget, 1935-36, pp. 407-410.

Hydro-electric Surveys in Bengal, (S. Q.) p. 167.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 261, 290.

**Chaudhuri, Dr. Jogendra Chandra**

Earnings of the typists and copyists in Civil Courts, (S. Q.) pp. 454-455.

Typists and copyists of the Pabna District Judge's Court, (Q.) p. 121.

**Chokhany, Rai Bahadur Ram Deb**

Bengal Tobacco (Sales Licensing) Bill, 1935, pp. 177-179.

General Discussion of the Budget, 1935-36, pp. 379-380.

**Chowdhury, Haji Badi Ahmed**

Facilities for Jumma prayers in the Government educational institutions, (S. Q.) p. 58.

Resolution regarding proposed remission of revenue in Chittagong, pp. 45-49.

**Civil and money appeal**

In certain district courts, (S. Q.) p. 216.

**Civil disobedience prisoners,** (S. Q.) pp. 60-61.

**Cottage industries,** (Q.) p. 353.

**Court of Wards estates**

Managers of, (Q.) p. 314.

**Dacca**

Building for the Munsif's Court, (S. Q.) p. 59

Entry of pleaders' registered clerks into the offices of courts at, (S. Q.) pp 115-116.

**Das, Rai Bahadur Satyendra Kumar**

Bengal Electricity Duty Bill, 1935, pp. 97-98.

Bengal Municipal (Amendment) Bill, 1935, pp. 496, 497, 498.

Bengal Tenancy (Amendment) Bill, 1934 (Sections 48C, 109 and 158A), p. 474.

Bengal Tobacco (Sales Licensing) Bill, 1935, pp. 176-177.

Building for the Munsif's Court, Dacca, (S. Q.) p. 59.

Cottage industries, (Q.) p. 353.

Distilleries for sugar mills in Bengal, (S. Q.) p. 301.

Entry of pleaders' registered clerks into the offices of courts at Dacca, (S. Q.) p. 115.

General Discussion of the Budget, 1935-36, pp. 376-379.

Importation of foreign butter, (S. Q.) pp. 116, 117.

Industrial use of alcohol, (S. Q.) p. 117.

Process-serving agency, (S. Q.) p. 60.

**Detenu**

Babu Monoranjan Gupta, (S. Q.) p. 411.

Bhudeb Prosad Sen of Kalihati, (S. Q.) pp. 62-63.

C. L. Shroff, (Q.) pp. 69-70.

**Dinajpur district**

Survey and settlement costs in, (S. Q.) p. 460.

Thermo-medical Laboratory, (S. Q.) pp. 166-167.

**Division,** pp. 113-114, 141, 191, 192-193, 202, 207-208, 238, 255, 267, 476, 494.

**Dutt, Mr. G. S.**

Village Self-Government (Amendment) Bill (1934), 1935, pp. 272, 333, 334-335.

**Dutta, Rai Bahadur Dr. Haridhan**

Albert Victor Leper Hospital Bill, 1934, pp. 220-222.

Dinajpur Thermo-medical Laboratory, (S. Q.) p. 167.

Importation of foreign butter, (S. Q.) p. 117.

Persons suffering from contagious diseases travelling in Eastern Bengal Railway suburban trains, (Q.) pp. 68, 69.

Quinine, (S. Q.) pp. 349-350, 351.

Resolution regarding distribution of quinine, pp. 31-35, 39, 44.

Village Self-Government (Amendment) Bill (1934), 1935, p. 284.

**Eden Canal,** (S. Q.) pp. 63-66.

**Education**

Of the scheduled castes, (S. Q.) pp. 337-338.

**Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur**

Cottage industries, (Q.) p. 353.

Handloom industry of Bengal, (S. Q.) pp. 459, 460.

**Fishery rights,** (S. Q.) p. 395.

**Ghose, Dr. Amulya Ratan**

Absence of a record room at Howrah (S. Q.) p. 211.

Accidents during Howrah Bridge openings, (S. Q.) p. 118.

Arrangements during the Howrah Bridge openings, (S. Q.) pp. 168-169.

Detenu Babu Monoranjan Gupta (S. Q.) p. 411.

Litigants' attendance in the Howrah courts, (S. Q.) p. 212.

Notice of Howrah Bridge openings (S. Q.) pp. 167-168.

"Printers' Gazette," (S. Q.), p. 118.

**Government Bills,** pp. 124-165, 172-208, 217-310, 317-336, 354-370.

**Government Business,** pp. 70-114.

**Government grant**

To district board for payment of teachers, (S. Q.) pp. 308-309.

**Government of Bengal**

Budget of the, 1935-36, pp. 341-346.

**Grand Trunk Road,** (Q.), pp. 314-315.

**Guha, Mr. P. N.**

Bengal Municipal (Amendment) Bill 1935, p. 496.

Bengal Village Self-Government (Amendment) Bill, 1934, pp. 223, 224, 228, 229-240, 231, 239.

General Discussion of the Budget 1935-36, pp. 435-439.

**Gupta, Mr. J. N.**

Bengal Electricity Duty Bill, 1935, pp. 89-92.

Bengal Tobacco (Sales Licensing) Bill 1935, pp. 181-182.

General Discussion of the Budget 1935-36, pp. 389-394, 448-453.

**Hakim, Maulvi Abdul**

Bengal Ferries (Amendment) Bill, 1934, pp. 461-462, 463.

General Discussion of the Budget, 1935-36, p. 453.

Public Prosecutor of Mymensingh, (S. Q.) pp. 302-303, 304.

Resolution regarding proposed remission of revenue in Chittagong, pp 54-55.

**Handloom industry of Bengal,** (S. Q.) pp. 459-460.

**Haque, the Hon'ble Khan Bahadur M. Azizul**

Bengal (Rural) Primary Education (Amendment) Bill, 1935, p. 495.

Education of the scheduled castes, (S. Q.) p. 338.

Facilities for Jumma prayers in the Government educational institutions (S. Q.) pp. 58, 59.

General Discussion of the Budget 1935-36, pp. 445-448.

Government grant to district board for payment of teachers, (S. Q.) pp. 308, 309.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 263-264, 265-266.

**His Excellency the Governor's Address,** pp. 14-23.

**Hoque, Kazi Emdadul**

Bengal Village Self-Government (Amendment) Bill, 1934, p. 240.

Court-fees (Bengal Amendment) Bill, 1934, p. 359.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 257, 258-259, 261, 272-273, 278-279.

**Hosain, Nawab Musharruf, Khan Bahadur**

Court-fees (Bengal Amendment) Bill, 1935, pp. 132, 133-134.

Resolution regarding proposed remission of revenue in Chittagong, pp. 55-56.

**Howrah**

Absence of a record room at, (S. Q.) p. 211.

Courts, Litigants' attendance in the (S. Q.) p. 212.

Bridge openings, Arrangement during the, (S. Q.) p. 168.

Bridge openings, Notice of, (S. Q.) pp. 167-168.

**Hydro-electric Surveys in Bengal,** (S. Q.) p. 167.

**Immoral Traffic Act**

Cases under the Bengal Suppression of, (Q.) pp. 315-316.

**Importation of foreign butter,** (S. Q.) pp. 116-117.

**Jumma prayers**

Facilities for, in the Government educational institutions, (S. Q.) pp. 58-59.

**Karim, Khan Bahadur Maulvi Abdul**

Bengal Electricity Duty Bill, 1934, pp. 86-88.

General Discussion of the Budget 1935-36, pp. 413-415.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 287-288.

**Kasem, Maulvi Abul**

Bengal Electricity Duty Bill, 1934, pp. 80, 83-86.

Bengal Municipal (Amendment) Bill, 1935, pp. 495, 496.

Bengal Village Self-Government (Amendment) Bill, 1934, pp. 229, 233-234, 242-243, 244, 245, 331-332.

Bengal Wakf (Amendment) Bill, 1934, p. 504.

Court-Fees (Bengal Amendment) Bill, 1935, pp. 127-128.

Eden Canal, (S. Q.) p. 64.

General Discussion of the Budget 1935-36, pp. 381-386.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 288-289, 331-332.

**Kendua near Suri (Birbhum)**

Firing by the Police at, (S. Q.) p. 306.

**Khan, Mr. Hashem Ali**

General Discussion of the Budget, 1935-36, pp. 439-442.

Pension to process-servers, (Q.) p. 217.

Resolution regarding proposed remission of revenue in Chittagong, p. 56.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 289-290.

**Khan, Maulvi Tamizuddin**

Bengal Tenancy (Amendment) Bill, 1934 (section 148), pp. 464, 465.

Bengal Tenancy (Amendment) Bill 1934 (sections 48C, 109 and 158A), p. 475.

Bengal Tobacco (Sales Licensing) Bill 1935, pp. 184-185.

Bengal Village Self-Government (Amendment) Bill, 1934, pp. 230-231, 232-233, 245-249, 250-251.

Court-fees (Bengal Amendment) Bill, 1935, pp. 130-131, 132, 364, 365, 366.

General Discussion of the Budget, 1935-36, pp. 371-374, 453.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 274, 276-277.

**Khulna**

District cess demand in, (S. Q.) pp. 412-413.

Railway station Third class female waiting room at the, (S. Q.), pp. 339-340.

Shed for steamer passengers at, (S. Q.) p. 338.

**Kishoreganj**

Dharadia-Dighirpar Khal project in, (S. Q.) p. 339.

**Legislative Business**, pp. 70-77.

**Lockhart, Mr. A. R. E.**

Grand Trunk Road, (Q.) pp. 314-318.

**Martin, Mr. G. M.**

Bengal Tenancy (Amendment) Bill, 1933 (sections 65 and 163), pp. 483-484.

**Midnapore Central Jail**

Civil disobedience prisoners in the (S. Q.) pp. 304-305.

Political prisoners in the, (S. Q.) pp. 305-306.

**Mitter, the Hon'ble Sir Brojendra Lal**

Abduction cases in Bengal, (S. Q.) p. 313.

Absence of a record room at Howrah (S. Q.) p. 211.

Bengal Tenancy (Amendment) Bill 1934 (section 148), pp. 465-466, 468.

Bengal Tenancy (Amendment) Bill 1934 (sections 48C, 109 and 158A) pp. 471-473.

Calcutta High Court Rule Committee (Q.) p. 124.

Cess demand in Khulna district, (S. Q.) pp. 412-413.

Civil and money appeal in certain district courts, (S. Q.) p. 216.

Cost for survey and settlement operations (S. Q.) p. 352.

Court-fees (Bengal Amendment) Bill 1935, pp. 354-355, 357-358, 359, 360, 361, 363, 364, 365, 366, 367, 368, 369.

Earnings of the typists and copyist in Civil Courts (S. Q.) p. 455.

Entry of pleaders' registered clerk into the offices of courts at Dacca (S. Q.) pp. 115-116.

Estates Partition (Amendment) Bill 1934, pp. 479, 480.

Fishery rights, (S. Q.) p. 304.

General Discussion of the Budget 1935-36, pp. 439, 444.

Litigants' attendance in the Howrah courts, (S. Q.) p. 212.

Managers of Court of Wards estates (S. Q.) p. 314.

Pay and pension of process-servers (Q.) p. 340.

Pension to process-servers, (Q.) p. 217.

Public Prosecutor of Mymensingh (S. Q.) pp. 303, 304.

Quinine, (S. Q.) pp. 350, 351.

**Mitter, the Hon'ble Sir Brojendra Lal**

Realisation of boat hire incurred in the service of processes at Rangpur, (Q.) p. 217.

Resolution regarding distribution of quinine, pp. 37-43, 44, 45, 57.

Survey and settlement costs in Dinajpur district, (S. Q.) p. 460.

Temporary clerk in the Mymensingh Collectorate, (S. Q.) pp. 458-459.

Typists and copyists of the Pabna District Judge's Court, (Q.) pp. 121, 122.

**Mittra, Mr. Sarat Chandra**

General Discussion of the Budget, 1935-36, pp. 431-433.

**Mukherji, Rai Bahadur Satish Chandra**

Court-fees (Bengal Amendment) Bill, 1935, pp. 361-362

Village Self-Government (Amendment) Bill (1934), 1935, pp. 267, 262, 268, 271, 272, 274-275, 295-296.

**Mullick, Mr. Mukunda Behary**

Village Self-Government (Amendment) Bill (1934), 1935, pp. 296-297.

**Mymensingh**

Collectorate. Temporary clerk in the, (S. Q.) pp. 457-459.

Public Prosecutor of, (S. Q.) pp. 302 304.

**Nag, Babu Suk Lal**

Calcutta High Court Rule Committee, (Q.) pp. 123-124.

Cess demand in Khulna district, (S. Q.) p. 412.

Managers of Court of Wards estates, (Q.) p. 314.

Shed for steamer passengers at Khulna, (S. Q.) p. 338.

Third class female waiting room at the Khulna railway station, (S. Q.) pp. 338-339.

**Nag, Rev. B. A.**

Bengal Tobacco (Sales Licensing) Bil 1935, pp. 155-157.

**Nazimuddin, the Hon'ble Khwaja Sir**

Bengal Development Bill, 1935, (Q p. 217.

Bharadia-Dighirpar Khal project i Kishoreganj, (S. Q.) p. 340.

Eden Canal, (S. Q.) pp. 64, 65.

**Norton, Mr. H. R.**

Bengal Tobacco (Sales Licensing) Bil 1935, p. 158.

**Oaths or Affirmation,** pp 13, 115, 20 301.

**Obituary References,** pp. 23-25.

**Pabna District Judge's Court**

Typists and copyists of the, (Q.) pp 121 122

**Panel of Chairmen,** p 13

**Parker, Mr. Cecil**

Assistant Colliery Manager, South-Ea Barabom Colliery, (S Q) pp. 66 6

**Paul, Sir Hari Sanker**

Resolution regarding distribution o quinine, pp 35-36.

**Persons**

Suffering from contagious disease travelling in Eastern Bengal Rai way suburban trains, (Q.) pp. 68-6

**Poddar, Mr. Ananda Mohan**

Bengal Electricity Duty Bill, 193 pp. 98-100.

Bengal Tobacco (Sales Licensing) Bil 1935, p 192

Court-fees (Bengal Amendment) Bil 1935, p. 145.

General Discussion of the Budge 1935-36, pp. 427-430.

Indian Stamp (Bengal Amendment Bill, 1935, p. 203.

Number of persons at present unde restraint, (S. Q.) p. 119.

**Poddar, Seth Hunuman Prosad**

Abduction cases in Bengal, (S. Q.) pp. 309-310.

Calcutta Port Trust contracts, (S. Q.) pp. 212-213.

Cases under the Bengal Suppression of Immoral Traffic Act, (Q.) p. 315. 315

General Discussion of the Budget, 1935-36, pp. 384-386.

Repealment of the emergency legislation due to the decrease of the terrorist crimes, (Q.) pp. 122-123.

Salt industry in Bengal, (Q.) p. 341.

**President (the Hon'ble Raja Sir Manmatha Nath Ray Chowdhury, Kt., of Santosh)**

Any allegation against a Government servant must be in relation to his official or public capacity, the person must be named and the responsibility in regard to the accuracy of the statement has to be taken upon himself by the member p 405

Consent of the members has to be obtained before their names are proposed for the members of the Select Committee p 145.

It is the President's discretion whether the amendment or the substantive motion to be taken first p 81

Unless a member moves a motion, an amendment cannot be moved p 495

**"Printers' Gazette,"** (S. Q.) p. 118

**Process-servers**

Pay and pension of, (S. Q.) p. 340.

Pension to, (Q.) p. 217

**Process-serving**

Agency, (S Q.) p. 60

Establishment, (Q.) p 69

**Quasem, Maulvi Abul**

Bengal Tobacco (Sales Licensing Bill), 1935, pp 156, 157, 158-162

Bengal Village Self-Government (Amendment) Bill, 1934, pp. 236-237, 247, 248.

Cess demand in Khulna district, (S. Q.) p. 413.

**Quasem, Maulvi Abul**

Court-fees (Bengal Amendment) Bill, 1935, p. 370.

General Discussion of the Budget, 1935-36, pp. 397-402.

Government grant to district board for payment of teachers, (S. Q.) pp. 308, 309.

Typists and copyists of the Pabna District Judge's Court, (Q.) p. 122.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 258, 261, 264, 266, 269, 271, 273, 292, 325.

**Quinine,** (S. Q.) pp. 349-351.

**Rai Mahasai, Munindra Deb**

Eden Canal, (S Q.) pp 63, 64

**Rangpur**

Realisation of boat hire incurred in the service of processes at, (Q.) pp. 216-217.

**Ray, Babu Amulyadhan**

Bengal Tobacco (Sales Licensing Bill), 1935, pp. 153-154, 154-155

Education of the scheduled castes, (S. Q.) p. 337.

Fishery rights, (S. Q.) p 304.

Temporary clerk in the Mymensingh Collectorate, (S. Q.) p 459.

**Ray, Babu Khetter Mohan**

Bengal Tenancy (Amendment) Bill, 1934 (section 148), pp 464-465.

Bengal Village Self-Government (Amendment) Bill, 1934, p. 237.

Court-fees (Bengal Amendment) Bill, 1935, pp. 356-357.

Entry of pleaders' registered clerks into the offices of Courts at Dacca, (S Q.) p. 116.

Estates Partition (Amendment) Bill, 1934, pp. 478-479.

Indian Stamp (Bengal Amendment) Bill, 1935, pp. 199-200.

Resolution regarding distribution of quinine, pp. 26-31, 45.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 270, 320, 321 322-323, 335

**Chowdhury, Babu Satish Chandra**

bduction cases in Bengal, (S. Q.) p. 313.

engal Tobacco (Sales Licensing) Bill, 1935, pp. 164, 179-180.

engal Village Self-Government (Amendment) Bill, 1934, p. 242.

aradia-Dighirpar Khal project in Kishoreganj, (S. Q.) pp. 339-340.

itry of pleaders' registered clerks into the offices of Courts at Dacca, (S. Q.) p. 116.

dian Stamp (Bengal Amendment) Bill, 1935, pp. 195-196, 197.

otice of Howrah Bridge openings, (S. Q.) p. 168.

mporary clerk in the Mymensingh Collectorate, (S. Q.) pp. 457-458.

llage Self-Government (Amendment) Bill (1936), 1935, pp. 262-263, 266, 280-284, 294, 295, 297-300, 328-330.

**Chowdhury, Mr. K. C.**

ses under the Bengal Suppression of Immoral Traffic Act, (Q.) p. 316.

urt-fees (Bengal Amendment) Bill, 1935, pp. 135-136.

neral Discussion of the Budget, 1935-36, pp. 406-407.

alisation of boat hire incurred in the service of processes at Rangpur, (Q.) p. 216.

**Mr. Shanti Shekhareswar**

pointment of Audit Inspector of the Calcutta Port Trust, (S. Q.) p. 210.

ngal Electricity Duty Bill, 1935, p. 80.

ngal Public Gambling (Amendment) Bill, 1935, pp. 488-489.

ngal Suppression of Private Lotteries Bill, 1935, pp. 500, 501.

ngal Village Self-Government Amendment) Bill, 1934, pp. 227, 228, 234.

tage industries, (Q.) p. 353.

neral Discussion of the Budget, 1935-36, pp. 374-376, 453.

**Reid, the Hon'ble Mr. R. N.**

Abduction cases in Bengal, (S. Q.) pp. 310-312, 313.

Accidents during Howrah Bridge openings, (S. Q.) p. 118.

Bengal Public Gambling (Amendment) Bill, 1935, pp. 486, 487, 490-492.

Bengal Suppression of Private Lotteries Bill, 1935, pp. 500, 501-502.

Cases under the Bengal Suppression of Immoral Traffic Act, (Q.) pp. 315-316.

Civil disobedience prisoners, (S. Q.) pp. 60, 61.

Civil disobedience prisoners in the Midnapore Central Jail, (S. Q.) p. 305.

Detenu Babu Monoranjan Gupta, (S. Q.) p. 411.

Detenu Bhudeb Prosad Sen of Kalihati, (S Q.) pp. 62, 63.

Detenu C. L Shroff, (Q.) p. 70.

Firing by the Police at Kendua near Suri (Birbhum), (S. Q.) pp. 306-307, 308.

Grand Trunk Road, (Q.) p. 315.

Mr. Cecil Parker, Assistant Colliery Manager, South-East Baraboni Colliery, (S. Q.) p. 67.

Number of persons at present under restraint, (S. Q.) pp. 119-121.

Political prisoners in the Midnapore Central Jail, (S Q.) p. 306.

"Printers' Gazette," (S. Q.) p. 118.

Repealment of the emergency legislation due to the decrease of the terrorist crimes, (Q.) p. 123.

**Repealment**

Of the emergency legislation due to the decrease of the terrorist crimes, (Q.) pp. 122-123.

**Resolution(s)—**

Regarding distribution of quinine, pp. 26-45.

Regarding proposed remission of revenue in Chittagong, pp. 45-57.

**Restraint**

Number of persons at present under, (S. Q.) pp. 119, 121.

**Ray Choudhuri, Babu Hem Chandra**

Cess demand in Khulna district, (S. Q.) p. 412.

General Discussion of the Budget, 1935-36, pp. 442-444.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 264, 265, 268, 269-270.

**Roy, Mr. Sarat Kumar**

Bengal Tenancy (Amendment) Bill, 1933 (Sections 65 and 163), pp. 481-483.

Bengal Tenancy (Amendment) Bill, 1934 (Sections 48C, 109 and 158A), p. 474.

Court-fees (Bengal Amendment) Bill, 1935, pp. 126-127, 362-363, 367.

Indian Stamp (Bengal Amendment) Bill, 1935, pp. 197-199, 203.

Resolution regarding distribution of quinine, pp 36-37.

**Roy, the Hon'ble Sir Bijoy Prasad Singh**

Albert Victor Leper Hospital Bill, 1934, pp 217-220, 222-223.

Bengal Ferries (Amendment) Bill, 1934, p 462.

Bengal Municipal (Amendment) Bill, 1935, pp 496, 498.

Bengal Village Self-Government (Amendment) Bill, 1934, pp 223, 227, 228, 231, 236, 237-238, 240, 241, 246, 247, 248, 249, 254, 255, 256, 335, 336.

Dinajpur Thermo-medical Laboratory, (S. Q.) pp. 166, 167.

Distilleries for sugar mills in Bengal, (S. Q.) p. 301

Village Self-Government (Amendment) Bill (1934), 1935, pp. 258, 259, 260-261, 262, 264, 266-267, 269, 270, 271, 273, 274, 277, 278, 279, 284, 293, 294, 319-320, 321, 325.

**Sahana, Rai Bahadur Satya Kinkar**

Quinine, (S. Q.) p. 351.

**Samad, Maulvi Abdus**

Civil and money appeal in certain district courts, (S. Q.), p. 216.

Civil disobedience prisoners, (S. Q. 60.

Civil disobedience prisoners in the Midnapore Central Jail, (S. Q.) pp 304-305.

General Discussion of the Budget 1935-36, pp. 425-427.

Handloom industry of Bengal, (S. Q.) p. 459.

**Scheduled castes**

Education of the, (S. Q.) p 337.

**Sen, Rai Bahadur Gris Chandra**

Village Self-Government (Amendment Bill (1934), 1935, pp. 264, 265, 274

**Sen, Rai Bahadur Jogesh Chandra**

Bengal Village Self-Government (Amendment) Bill (1934), 1935, pp 332-333.

General Discussion of the Budget 1935-36, pp 380-381.

**Sen Gupta, Dr. Naresh Chandra**

Bengal Amusement Tax (Amendment Bill, 1935, pp 205-206, 207.

Bengal Electricity Duty Bill, 1935, pp 101 105.

Bengal Tobacco (Sales Licensing) Bill 1935, (S. Q.) pp. 172-175.

Bengal Village Self-Government (Amendment) Bill, 1934, pp. 224-225 230, 232, 234-235, 239-240, 244, 250 251-252, 254, 333, 334, 335.

Calcutta Port Trust contracts, (S Q., p. 216.

Cases under the Bengal Suppression of Immoral Traffic Act, (Q.) p. 316.

Court-fees (Bengal Amendment) Bill 1935, pp. 136-138.

Detenu Bhudeb Prosad Sen of Kalihati, (S. Q.) pp. 62, 63.

Detenu C. L. Shroff, (Q.) pp. 69, 70

Eden Canal, (S. Q.) p. 65.

Firing by the Police at Kendua near Suri (Birbhum), (S. Q.) p. 308.

General Discussion of the Budget 1935-36, pp. 394-397.

**Sen Gupta, Dr. Naresh Chandra**

Indian Stamp (Bengal Amendment) Bill, 1935, p. 197.

Village Self-Government (Amendment) Bill (1934), 1935, pp. 260, 263, 265, 268, 270, 273, 275-276, 277, 278, 284-287, 317-319, 320, 326-328.

**Shah, Maulvi Abdul Hamid**

Bengal (Rural) Primary Education (Amendment) Bill, 1935, p. 495.

Pay and pension of process-servers, (Q.) p. 340.

Process-serving establishment, (Q.) p. 69.

Resolution regarding proposed remission of revenue in Chittagong, p. 57.

**Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur**

Court-fees (Bengal Amendment) Bill, 1935, pp. 129-130, 131, 370.

Resolution regarding proposed remission of revenue in Chittagong, pp. 49-54.

**Suhrawardy, Mr. H. S.**

Bengal Electricity Duty Bill, 1935, p. 102.

Bengal Public Gambling (Amendment) Bill, 1935, pp. 487, 488.

Bengal Tobacco (Sales Licensing) Bill, 1935, pp. 185-187.

General Discussion of the Budget, 1935-36, pp. 418-422.

**Survey and settlement operations**

Cost for, (S. Q.) p. 352.

**Thompson, Mr. W. H.**

Bengal Electricity Duty Bill, 1935, pp. 95-97.

**Typists and Copyists in Civil Courts**

Earnings of the, (S. Q.) pp. 454-455.

**Williams, Mr. A deC.**

Bengal Village Self-Government (Amendment) Bill, 1934, pp. 231, 232, 276, 279.

Court-fees (Bengal Amendment) Bill, 1935, pp. 363-364, 366.

**Woodhead, the Hon'ble Sir John**

Appointment of Audit Inspector of the Calcutta Port Trust, (S. Q.) p. 210.

Appointment of Mr. Hogan as a Yard Master in the Calcutta Port Trust, (S. Q.) pp. 171, 172.

Arrangements during the Howrah Bridge openings, (S. Q.) p. 169.

Assistant River Surveyors of the Calcutta Port Trust, (S. Q.) pp. 456-457.

Bengal Amusement Tax (Amendment) Bill, 1935, pp. 203-205, 206, 207.

Bengal Electricity Duty Bill, 1935, pp. 77-80, 90, 94, 108-113.

Bengal Tobacco (Sales Licensing) Bill, 1935, pp. 145-149, 151, 154, 165, 187-191.

Building for the Munsif's Court, Dacca, (S. Q.) p. 59.

Calcutta Port Trust contracts, (S. Q.) pp. 213-214, 215, 216.

Court-fee (Bengal Amendment) Bill, 1935, pp. 124-125, 141-144.

General Discussion of the Budget, 1935-36, pp. 387, 405.

Hydro-electric Surveys in Bengal, (S. Q.) p. 167.

Indian Stamp (Bengal Amendment) Bill, 1935, pp. 193, 195, 196, 200-202.

Industrial use of alcohol, (S. Q.) p. 117.

Importation of foreign butter, (S. Q.) p. 117.

Legislative Business, pp. 70, 71-77.

Notice of Howrah Bridge openings, (S. Q.) p. 168.

Persons suffering from contagious diseases travelling in Eastern Bengal Railway suburban trains, (Q.) pp. 68, p. 69.

Process-serving agency, (S. Q.) p. 60.

Process-serving establishment, (Q.) p. 69.

Salt industry in Bengal, (Q.) p. 341.

Shed for steamer passengers at Khulna, (S. Q.) p. 338.

Third class female waiting room at the Khulna railway station, (S. Q.) p. 339.

B. G. Press—1936-37—2370A—550